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A Rhetorical Analysis of Representative Gubernatorial Campaign Speeches by James Stephen Hogg (1890-1892).

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A RHETORICAL ANALYSIS OF REPRESENTATIVE
GUBERNATORIAL CAMPAIGN SPEECHES BY JAMES
STEPHEN HOGG (1890-1892).

The Louisiana State University and
Agricultural and Mechanical College,
Ph.D., 1977
Speech

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**A RHETORICAL ANALYSIS OF REPRESENTATIVE GUBERNATORIAL CAMPAIGN
SPEECHES BY JAMES STEPHEN HOGG (1890-1892)**

A Dissertation

**Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy**

in

The Department of Speech

**by
Carroll Elvin Hickey
B.A., Texas Western College, 1957
M.A., West Texas State College, 1960
August, 1977**

ACKNOWLEDGMENTS

The author wishes to express his deep and sincere appreciation to Dr. Harold Mixon for his patience and wisdom in guiding this study to completion. His gentle leadership was warmly appreciated. The author is further indebted to the other members of the committee, Drs. Waldo W. Braden, Clinton W. Bradford, J. Donald Ragsdale, and Burl Noggle for their sacrifice of time and for their comments. Gratitude is also expressed to Drs. Owen Peterson and Mark T. Carleton. To my very special friend, I do not need to tell how much her council, aid, and discussions have meant in the completion of this project. A very wise man stated it very well. Proverbs 31: 10-31. To Anne and David who have accepted the Governor as part of the family a vote of thanks for their patience and the sacrifices they have made. To the rest of my family, the encouragement made the valleys easier to take.

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ABSTRACT

The purpose of this investigation is to analyze rhetorically selected speeches delivered by James Stephen Hogg during the Texas gubernatorial campaigns of 1890 and 1892. Analysis is made of four major addresses which represent Hogg's use of campaign oratory in securing his election in both campaigns but more importantly his advocacy for reforms in Texas.

The study discusses, first, the setting for reform relative to agrarian unrest and corporate abuses affecting the people and local industry. Second, the study examines Hogg's speech personality. Finally, the study gives in-depth treatment to the constituents of Hogg's speaking: (1) his audiences and occasions, (2) the representative speech in the 1890 campaign, (3) the three representative speeches of the 1892 campaign. The analysis considers Hogg's use of (1) logical proof with a discussion of the argumentative development and forms of support, (2) ethical proofs, and (3) emotional proofs.

The study reveals that four factors shaping Hogg's speech personality were (1) his informal speech training, (2) his careful speech preparation, (3) his robust and "folksy" style, and (4) his ability to impress an audience with his voice and delivery. Orphaned at the age of twelve, Hogg continuously worked to prepare himself for public service. His legal training and newspaper experience probably encouraged his fealty for facts and precision of organization

in his speeches. Hogg was able to communicate to his audience that he was concerned for their welfare, a fact most vividly portrayed in his style. Hogg's success in demonstrating his concern for the people was a major factor in his appellation, "the people's governor." He spoke the language of the common man and offered solutions for his problems.

When Hogg entered the race for governor of Texas in 1890, he chose as his central theme the control of the large corporations. The thesis of all of his speeches in both campaigns was "Shall the corporations or the people rule Texas?" In 1890 the creation of the Railroad Commission was the issue. Through his oratory and leadership Hogg was elected by the widest margin of votes up to that time. The 1892 campaign centered around the power of the Commission, and Hogg faced strong opposition from fellow Democrats led by George Clark, the rapidly growing Populists, the large corporations, and the major newspapers of the state. Because of the opposition he was forced to campaign vigorously throughout the state. The railroad issue caused a split in the party which placed an added burden on his oratory.

In each of the speeches analyzed in this study Hogg clearly delineated the issues, and called upon the people to make a "just decision." Each of the issues were supported primarily with logical proof. Inferences from specific instances and causal reasoning were his principle forms of logical support. Hogg relied heavily upon his reputation and ethical proofs to bolster his claims. Unlike his adversaries in both campaigns his reliance upon emotional proofs was minimal.

This study reveals that Hogg was guided by three basic motives: (1) devotion to law and order, (2) belief in the power and wisdom of the people, and (3) loyalty to the Democratic party. These motives are clearly stated and formed the basis for his arguments in each of the speeches in this study.

James Hogg was a big man, over six feet three inches tall and weighing over 300 pounds. He liked people, liked to talk, and demonstrated a heart-felt concern for the common man. Through his oratory he was a successful advocate for reform in Texas.

CHAPTER I

INTRODUCTION

Texas and the railroad industry experienced rapid growth during the period from 1865 to 1890. At the conclusion of the Civil War only the eastern one-third of the state was settled; however, each decade saw steady migration westward. A primary reason for this westward expansion was the coming of the railroad. Dependent upon the railroads, producers and consumers soon became victims of abuses by the industry. The drought of 1886, the steady decline of the economy, the lack of easy credit, growing control of land by corporations, and discriminatory practices by the railroads brought on widespread discontent. Reform was demanded and James Stephen Hogg became a dynamic voice for this reform.

Hogg began his political career as road overseer, county attorney, and district attorney in East Texas. As attorney general, Hogg initiated a series of successful suits against corporations to force them to abide by their charters. These actions caused illegal fire insurance companies to cease operations, dissolution of the Texas Traffic Association, return of railroad offices to the state, repair of deteriorated lines, and recovery of lands granted to the railroads illegally.¹ These suits "were regarded by the great body

¹Frank W. Johnson and Eugene C. Barker, A History of Texas and Texans (Chicago: American Historical Society, 1914), Vol. I, 603

of the people as evidence of the vigorous effort on his [Hogg's] part to protect their rights."²

After two terms as attorney general, Hogg was a successful candidate for governor on a platform urging the establishment of a regulatory commission which would benefit both the people and the railroads. Hogg was considered by railroad leaders as an opponent of railroad interests. Jay Gould accused him of causing "fright among capitalists" which was detrimental to the railroad industry and the economy of the state.³ However, Hogg was aware of the important role the industry had played and must continue to play in the full development of the state. He referred to the railroad industry as "the greatest civilizer known to civilizations, indispensable to commerce and to the wants of the public."⁴ In keeping with the mandate of the people proclaimed by Hogg's election and the passage of the constitutional amendment allowing for the establishment of a railway commission, legislation was passed creating the Texas Railroad Commission in 1891.

The campaign of 1892 was a bitter struggle between Hogg's reforms and railroad interests. Almost from the beginning a split in the Democratic party was predicted. George Clark, a prominent Democrat and a successful railroad lawyer, opposed Hogg. At issue

²Oran Roberts, "The Political, Legislative, and Judicial History Of Texas for its Fifty Years of Statehood, 1845-1895," A Comprehensive History of Texas, 1685 to 1897, Dudley G. Wooten, (ed.), Dallas: William G. Scarff, 1898), 282.

³Galveston News, April 12, 1890; Fort Worth Gazette, April 12, 1890.

⁴Dallas Morning News, April 22, 1890.

was the life of the Commission. The major railroad lines operating in Texas obtained an injunction in federal court on August 22, 1892, halting most of the work of the Commission. Since Texas was a strong Democratic state, nomination by the Democratic party had in the past been the virtual equivalent of election; but because of the split in the party at the Houston convention, Hogg was faced with an arduous campaign following his nomination. However, his election and the ruling by the United States Supreme Court that the commission law was constitutional guaranteed the life of the Railroad Commission.

In both campaigns Hogg was compelled to go directly to the people and discuss the issues because of vigorous opposition by the press. He was supported in 1890 by the agrarian papers, which were published weekly. The Fort Worth Gazette, a large daily newspaper, supported him nominally. By 1892 he had lost a large portion of the agrarian support, and all the daily newspapers opposed him. After the state convention the Houston Post supported him only because he was the Democratic nominee.

After completing his two terms as governor, Hogg retired from public life; however, he continued until his death in 1906 to be a spokesman for the people and to be active in state and national politics.

Because of the problems confronting the people in Texas in railroad regulation and land and monetary reforms, Hogg's programs in these areas were important elements in the history of the state. Therefore, Hogg's campaign speeches advocating reform are of interest to the rhetorical critic.

Problem and Method

Since Hogg's speaking career spanned a period from 1874 to 1906, it was necessary to limit this study. After having selected his campaign speaking, further limitation was necessary for several reasons. First, his public career covered twenty years, and the study of his campaign speeches would be a difficult task even if all of the speeches were available. Second, copies of his speeches made in local campaigns and in the campaigns for attorney general were not preserved. Third, since reform was the primary issue in both of his gubernatorial campaigns, it seemed judicious to choose this area for study. Finally, as a result of the controversy, the press covered his gubernatorial campaigns closely; and the texts of his major speeches of the 1890 and 1892 campaigns are available as well as reports of most of his stump speeches. This study will analyze four representative speeches of Hogg's gubernatorial campaigns.

The method of rhetorical analysis to be used in this study utilizes the criteria set forth in leading rhetorical and public address criticism texts.⁵ Hogg's speech training will be reviewed noting his formal studies, the courses he studied, the books he read, and the influence other speakers and teachers had upon his oratory. Hogg's prior experiences in the courtroom and on the stump will be discussed as a part of his speech training.

⁵Lester Thonssen, A. Craig Baird, and Waldo Braden, Speech Criticism, Second edition (New York: Ronald Press Company, 1970); Winston Lamont Brembeck and William Smiley Howell, Persuasion (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1952); Donald C. Bryant and Karl R. Wallace, Fundamentals of Public Speaking (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1976).

The speeches were collected from Hogg's personal papers, newspapers, and collections of his addresses. This study will focus upon Hogg's campaign oratory of 1890 and 1892 and will give in-depth treatment to (1) the reform controversy in historical context; (2) Hogg's audiences and occasions; (3) his methods of organization; (4) Hogg's argumentative development; (5) the logical, ethical, and emotional appeals used; and (6) the immediate and long term effects of his oratory.

Nature of Speeches

In the 1890 campaign Hogg spoke over 31 times before the Democratic convention and none after his nomination. Hogg's speech at Rusk, April 19, 1890, is representative of the 1890 campaign. (a) It was the initial statement of his position in which he presented the reasons for the need for reforms. (b) In advocating a plenary railroad commission Hogg proposed a solution to the problem with which the state legislature had wrestled unsuccessfully for fourteen years. (c) It embodied his plea for the passage of the constitutional amendment necessary for the creation of a commission. (d) Because of the tremendous amount of organized press and railroad opposition, it was essential to get his reform platform before the people. (e) Hogg's entire canvass for the nomination was based on this speech in that he used sections selected from it as the foundation for all his stump speeches. (f) It was published and circulated extensively. (g) Hogg delivered no further campaign speeches after he received the 1890 Democratic gubernatorial nomination.

Hogg spoke 104 times in the 1892 campaign. Three speeches were chosen as being representative of the campaign: the speech at Wills Point, the Cameron debate, and the speech at Dallas.

1. The speech at Wills Point, April 21, 1892, is representative of the 1892 campaign. (a) It was Hogg's initial statement of his platform. (b) Since the Railroad Commission was being criticized, the speech was a defense of its work and purpose. (c) As he had done in 1890, Hogg used this basic statement as the foundation for his stump speeches. (d) The lack of press support forced Hogg to go directly to the people. (e) Like the Rusk speech, the Wills Point address was published in pamphlet form and distributed to the voters throughout the state in order to offset the lack of support by the press.

2. The Hogg-Clark debates, May 3 and 4, 1892, at Cameron and Cleburne were the result of popular demand for an open clash between the two candidates. Two Democratic candidates with totally different ideas regarding railroad regulation and other reforms were prime material for political debate. The Cameron debate was chosen for this study because: (a) it was the first meeting of the two candidates; (b) it was covered more completely by the press than the Cleburne debate; and (c) at Cleburne the debaters were frequently interrupted by the unruly audience and most of their speeches went unheard.

3. The speech at Dallas, October 1, 1892, was made necessary by the split in the Democratic party which meant that Hogg was forced to campaign vigorously after his nomination. This speech was chosen for this study because: (a) it represented an abrupt change in Hogg's

campaign strategy, (b) it was a refutation of Clark's September 9th Dallas speech, (c) Hogg denounced Clark and attempted to heal the dissension in the party, (d) Hogg defended the Commission whose life was at stake because of the injunction and pending court action, (e) Hogg defended his reform program, and (f) the speech was published and distributed to the voters in other parts of the state.

Plan

The organization of the remainder of this study is as follows:

Chapter II discusses transportation problems and the need for land reform confronting Texas in 1890. This chapter places Hogg's campaign oratory in its proper historical context.

Chapter III describes Hogg's family background, his education, his experience in politics, his preparation as a speaker, and his delivery.

Chapter IV deals with the setting and occasion of each of the major speeches as well as the stump speeches in both campaigns.

Chapter V analyzes the Rusk speech as representative of the 1890 campaign. Four components of the speech are analyzed: (1) organization, (2) logical appeals, (3) ethical appeals, and (4) emotional appeals.

Chapter VI analyzes the Wills Point speech, the Cameron debate, and the Dallas speech as representative of the 1892 campaign. The components analyzed are (1) organization, (2) logical appeals, (3) ethical appeals, and (4) emotional appeals.

Chapter VII contains a synthesis and a general assessment of Hogg's effectiveness as a speaker.

Sources

An invaluable source of information was the Hogg Collection housed in the Archives of the University of Texas Library in Austin. This collection contains information concerning each member of the Hogg family, genealogical material, scrapbooks, collections of family letters, handwritten notes and manuscripts of Hogg's speeches, printed copies of his speeches, and Hogg's state papers both as attorney general and as governor. Through the efforts of Governor Hogg's daughter, Miss Ima Hogg, this material has been collected, catalogued, and transcripts made. She also had typescript copies of the state papers deposited in several other university libraries throughout the state. Also included in this collection are the George W. Bailey notes, letters, and interviews. Bailey was a reporter with the Dallas Morning News from 1890 to 1894 and often covered Hogg's campaign speeches. At the request of Hogg's children he collected materials for a biography which was never completed.

James Hogg commissioned Caldwell W. Raines, whom he had appointed librarian of the Texas State Library, to collect and publish his speeches. This volume was published in 1905 before Hogg's death; therefore, it may be assumed that Hogg considered the speeches included to be his most important ones. It is also very likely that Hogg helped in the selection of what went into the volume and carefully supervised its preparation. The volume also contains some biographical data. Substantially the same speeches and state papers appear in an annotated collection edited by Robert C. Cotner, Professor of History at the University of Texas. This work was published to

celebrate the centennial anniversary of Hogg's birth, and a copy was placed in every school library in the state. James Stephen Hogg, A Biography, also written by Robert C. Cotner, was published in 1959. All of these sources were particularly useful in obtaining factual data concerning Hogg and his tenure as governor as well as containing texts of his speeches.

The summer prior to her death in 1975, Miss Ima Hogg consented to a telephone interview which was of great value.

Two works were especially useful in understanding the railroad controversy in Texas in the 1890's. They were Railroad Transportation in Texas, by Professor Charles S. Potts; and Texas Railroads, a history by former railroad executive, St. Clair Reed.

Essential to the understanding of the history of railroad regulation not only in Texas but in the entire nation were the United States Supreme Court cases which provide the precedents upon which the Texas Railroad Commission law was based and later tried.

Because of the efforts of Governor Hogg and his family, copies of his major speeches have been preserved in the Archives of the University of Texas. Although opposed to his policies, major newspapers of the day printed many of his speeches. These papers were the Dallas Morning News, the Galveston Daily News, the Fort Worth Gazette, the Austin Statesman, the San Antonio Express, and the Houston Post. The Dallas Morning News was the leading paper in the state and was the only paper to cover both of Hogg's campaigns thoroughly; therefore, a great deal of material on his stump speeches was gained from its issues.

Copies of each of the speeches analyzed were obtained from more than one of the above mentioned sources. The sources for each speech are as follows: (1) the Rusk speech--published pamphlets and hand written notes in the Archives, the Dallas Morning News, the Fort Worth Gazette, the Texas Farmer, Raines' collection, and Cotner's collection; (2) the Wills Point speech--published pamphlets and hand written notes in the Archives, the Dallas Morning News, the Fort Worth Gazette, the Texas Farmer, and Raines' and Cotner's collections; (3) the Hogg-Clark debates--the Dallas Morning News, the Fort Worth Gazette, the Austin Statesman, the Houston Post, and Cotner's collection; and (4) the Dallas speech--the Dallas Morning News, the Fort Worth Gazette, and the collections of both Raines and Cotner.

Previous Studies

Three theses have been devoted to the historical aspects of Hogg's political career. The studies of Mary Louise Wimberly Barksdale⁶ and Mizelle F. Kennedy⁷ were helpful in developing a clear picture of Hogg's political programs in the context of Texas in the 1890's. They did not, however, deal with Hogg's speaking. Kennedy's study was important because it was done in 1919 while many of Hogg's contemporaries were still living. It contains letters and interviews from such confidants as M. M. Crane and Horace Chilton. The third

⁶Mary Louise Wimberly Barksdale, "The Gubernatorial Administration of James Stephen Hogg" (Unpublished Master's thesis, University of Texas, 1932).

⁷Mizelle F. Kennedy, "A Study of James Stephen Hogg, Attorney General and Governor" (Unpublished Master's thesis, University of Texas, 1919).

historical study, by Grady Stafford St. Clair,⁸ although not a critical analysis of the speeches, deals with the political issues of the Hogg-Clark campaign. St. Clair concluded that the campaign of 1892 was "the most bitter of the many hard fought political battles that Texas had experienced."⁹ He further stated that the great occasions "will not be forgotten nor will they be equaled for many days to come."¹⁰ These three studies agree that Hogg was a significant figure in the history of Texas.

The dissertation by Harry Williams, Jr.¹¹ was helpful in understanding the impact of the railroads on the Texas economy. Williams' study includes a discussion of the evolution of the railroad industry in the state and the condition of the economy in 1890.

Several scholarly articles were useful in evaluating the controversy which evolved around the need for reform.¹²

⁸Grady Stafford St. Clair, "The Hogg-Clark Campaign" (Unpublished Master's Thesis, University of Texas, 1927).

⁹Ibid., 2.

¹⁰Ibid., 1.

¹¹Harry Williams, Jr., "The Development of A Market Economy in Texas, The Establishment of the Railway Network, 1836-1890" (Unpublished Ph. D. dissertation, University of Texas, 1957).

¹²Wayne Alvord, "T. L. Nugent, Texas Populist," Southwestern Historical Quarterly, LVII (Jan., 1954); James P. Hart, "What James Stephen Hogg Means to Texas," Southwestern Historical Quarterly, LV (April, 1952); Rosalind Langston, "The Life of Colonel R. T. Milner," Southwestern Historical Quarterly, XLIV April, 1941); Arthur Link, "The Wilson Movement in Texas, 1910-1912," Southwestern Historical Quarterly, XLVIII (October, 1944); Robert L. Peterson, "Jay Gould and the Railroad Commission," Southwestern Historical Quarterly, LVIII (Jan., 1955); R. E. Riegel, "The Missouri Pacific, 1879-1900," Missouri Historical Journal, XVIII (1923-1924); Ralph Smith, "The Farmers' Alliance in Texas, 1875-1900," Southwestern Historical Quarterly, XLVIII (Jan., 1945).

CHAPTER II

SETTING FOR REFORM IN TEXAS

Texas, not completely southern nor totally western, saw the lure of millions of acres of fertile soil push the frontier westward; however, transportation for people and goods was essential. The steam locomotive seemed to be the answer, yet the marriage of the railroads and Texas was not without problems. The purpose of this chapter is to (1) discuss reasons for agrarian unrest, (2) survey the history of the railroad industry in Texas, (3) describe the abuses by the railroads, and (4) examine the evolution of railroad regulation.

Agrarian Unrest

Texas, like her southern neighbors, was limited by a colonial economy. The selling of raw products and the purchase of manufactured goods caused an imbalance in the economy which worked a hardship on the farmer. The "Republican" protective tariff, the reverence for cotton, the unavailability of credit, and the increase in the number of tenant farmers in Texas were all problems demanding solutions. Add the irony of the need for railroad services and the abuses by the industry and Texas was ripe for reform. "When the farmer became increasingly anguished, his attention was increasingly drawn to the fact that the agents, if not the authors, of his misery were

corporate land companies, railroads, and banks. His suspicion was certain, and his hostility inevitable."¹

According to the 1890 census, 84.4% of the 2,235,527 people in the state were classified as rural. The census further demonstrated that 132,616 men worked their own farms, and share croppers and tenant farmers totalled 170,939. These figures reflected heads of households and did not include their families or those who lived in small villages and towns dependent upon agriculture. The number of tenants and share croppers increased 57% from 1880 to 1890.² The urban population grew from 9.2% to 15.6% while the overall population of the state increased 40.4% during the same period.³ These figures demonstrated that although there was a movement to the cities, the vast majority of Texans were agriculturally oriented and the tenant farm problem had increased.

A major factor in the increase in the number of tenant farmers and share croppers was the unavailability of cheap land for sale which was held by large land corporations. "The low price on land opened the way for major investors, including out-of-state and foreign interests, to buy large sections of West Texas before settlers arrived. They circumvented acreage restrictions on the purchase of school land by the use of borrowed names, and local county seat land 'rings' often filed on the best lands for profitable resale rather than for settlement. Railroads found themselves forced to sell their land . . . or

¹T. R. Fehrenbach, Lone Star, A History of Texas and the Texans (New York: The Macmillan Company, 1968), 616.

²Texas Almanac (Dallas: A. H. Belo Corporation, 1969), 400-401.

³Ibid, 165.

to set up dummy holding corporations to avoid forfeiting the acreage back to the state at the end of eight year limitations written into the original grants."⁴

A second group controlling large blocks of land was the ranches in south and west Texas which covered millions of acres, part of which was public land leased by the ranchers. Some of these huge ranches were corporations owned by foreign investors such as the Matador ranch owned by a Scottish combine and the XIT owned by the Capital Freehold Land and Cattle Company, Ltd. of London. The alien land companies and the railroad holding companies thwarted the attempts by many settlers to own their own land.⁵

In an effort to solve some of the problems confronting them, agrarians began to organize. The Patrons of Husbandry, commonly known as the Grange, was organized in Texas in 1873; by 1875 it had over 40,000 members, but the membership had declined to 14,000 by 1884.⁶ During their history the Patrons were extremely vocal in opposition to railroad abuses and land corporations.

The depression of 1873 dealt harshly with the cooperatives, and subsequently the organized Grange declined in numbers. However, many of the young men who had been educated in the Grange program of the 1870's were prominent local leaders during 1890-1892; these and

⁴Alwyn Barr, Reconstruction to Reform (Austin: University of Texas Press, 1971), 80.

⁵Billy M. Jones, The Search for Maturity (Austin: Steck-Vaughn Company, 1965), 65-82.

⁶Johnson and Barker, 593.

the conservative older Grangers worked within the Democratic party to try to achieve their ends.

Paralleling the decline of the Grange was the rise of the Farmers' Alliance, which was established in Pleasant Valley, Lampasas county, Texas, on February 22, 1878.⁷ Originally intended to combat thieves, cattle kings, and land sharks, the group turned to cooperative business as prices fell, foreclosures increased, and currency became scarce.⁸ The objective of the Alliance became similar to that of the Grange; and many farmers, discontent with the Grange and wanting immediate action, left the older organization to join the Alliance.⁹ The Alliance grew rapidly; and by June of 1888, there were 3,673 sub-alliances, 143 county alliances, and a total membership of 225,000. In his annual address C. W. Macune, president of the Alliance, stated that the reason for the rapid growth was the fact that other occupations were organized or were rapidly organizing and the farming element was unable to cope with them unorganized. He further asserted that this lack of organization by the farmers had caused their economic problems.¹⁰

Another economic difficulty created conflict between the farmers and the railroads. The fluctuation in the price of farm products and the high shipping rates made it difficult if not

⁷Roberts, 275-276.

⁸Ralph Smith, "The Farmers' Alliance in Texas, 1875-1900," Southwestern Historical Quarterly, XLVIII, (January, 1945), 349.

⁹Ibid., 353.

¹⁰Johnson and Barker, 596-597.

impossible for the producers to get their goods to market at a fair price. The railroads argued that these rates were necessary to pay the capital needs of the corporations. Attorney General Hogg intensified the discontent and ill feeling toward the practices by initiating suits of misconduct against the railroads. By 1890 the Alliance and the Grange found common ground. Since the creation of a railroad commission was the major plank in Hogg's gubernatorial platform, the cry of the farmers was "Hogg and Commission."¹¹

Texas Railroads

During the Republic

Prior to the advent of the railroad industry the bulk of commerce was conducted over waterways, either natural or man-made. The coastal areas developed first because of the access to shipping and transportation. As expansion moved westward, it was usually over the natural waterways of lakes and rivers. The Ohio, Hudson, Mississippi, and Shenandoah rivers were major avenues to development and settlement of the new lands.

Although Texas is large geographically, the state is poorly supplied with navigable streams. "The rivers of the state are long enough and at times carry tremendous volumes of water, but the flow is so uncertain during many months of the year that navigation is impossible except for short distances near the mouths of streams."¹²

¹¹Smith, 364.

¹²Charles S. Potts, Railroad Transportation in Texas (Bulletin of the University of Texas, No. 119, Austin, 1909), 9.

As a result, the early settlement and development occurred in areas along the Gulf coast.

Texas gained its independence from Mexico in 1836, and the founding fathers were soon concerned with the control of a vast area.

They early realized the necessity for rapid and easy means of transportation and intercourse between the different portions of the extensive territory. . . . These were absolutely indispensable to the settlement and policing of the great extent of country and for marketing the products of the soil which an industrious citizenship would naturally evolve. The absence of streams navigable to any profitable degree rendered railroads a prime necessity, and to their construction the ingenuity and providence of the first legislatures were directed. The newness of the country and the almost total want of such internal trade as would support great lines of steam traffic required substantial inducements to that character of enterprise, aside from any immediate profits to be derived from the transportation.¹³

Texas was so concerned with obtaining railroads that little restraint was placed on the early charters. The first railroad company was chartered in 1836 under the name of the Texas Railroad, Navigation and Banking Company. Initially, the charter was designed to allow the company to build roads that would link the various rivers at their respective heads of navigation still depending on the limited natural waterways for the bulk of the traffic. This charter was granted with the approval of the Senate of the Republic of Texas and signed by President Sam Houston. When the document was published, a group led by Anson Jones attacked it, arguing that it surrendered most of the freedoms gained in the recent war for independence. The company was (1) given a complete monopoly on all transportation in

¹³Dudley G. Wooten, "The Results of Fifty Years of Progress in Population, Material Development, and General Social, Educational, and Religious Growth, with Statistical Tables," A Comprehensive History of Texas, 1685 to 1897, edited by Dudley G. Wooten (Dallas: William G. Scarff, 1898), 766.

the Republic for 99 years and (2) allowed to establish its own currency and establish branch banks. "The organizers of this company apparently envisaged the charter as a method of establishing some sort of Credit Mobilier for themselves. According to most students of the subject, it was a wild and reckless enterprise designed to control the banking and transportation facilities of the new country."¹⁴ It was denounced as a "monopoly, a hydra-headed monster, and the destroyer of the liberties of the people."¹⁵ Because of this opposition and the difficulty in securing capital there were no railroads built during the nine year history of the Republic of Texas.

Before the Civil War

As Texas entered the Union in 1845, new attempts were made to secure railroads for the full development of her resources and to stimulate the economy. Sources of revenue were meager except for state aid in the form of public funds and land grants. There was little capital in the young state, outside capital was difficult to secure, the population was scattered, the demand for goods was low, there were vast areas to cover, and tonnage shipped would be light. Capitalists could see no immediate prospects for returns and refused to subscribe for the stock or to buy the bonds of the railway companies. In order to lure the railroads into the vacant interior of

¹⁴Williams, 37.

¹⁵Potts, 25.

the state liberal concessions were granted to railway promoters in the form of lands, labor, money, and construction materials.¹⁶

Under the terms of the Joint Resolution of Congress annexing Texas, March 1, 1845, the state was allowed "to retain all vacant and unappropriated lands lying within its limits."¹⁷ Approximately 150,000,000 acres of public land were by this agreement left at the disposal of the legislature as a means of paying the state's debts and of providing for future development.

During Governor Elisha M. Pease's administration (1853-1857), several proposals for aid to the railroads were considered by the legislature. One was that the state build, own, and operate the lines within its boundaries. This proposal failed because of the lack of funds in the treasury. Likewise, state construction and leasing plans failed for the same reason. Both plans required enormous expenditures which were not available at that time. Even with fiscal difficulties many favored either of the plans in order to bring rail transportation to the area. However, "those who were opposed to the government ownership of the roads finally won their fight and the state was called upon to treat private companies in a liberal fashion in order to attract capital to the state. The prevailing thought became the idea of stimulating private construction through public aid, and it is doubtful if any national or regional area was ever more generous than the state of Texas with regard to railroad companies."¹⁸

¹⁶Ibid., 85.

¹⁷Roberts, 23.

¹⁸Williams, 100.

The plan which finally succeeded in accomplishing some construction was established by the Land Grant Act of 1854. This act was the first

general law for the encouragement of railroad construction by grants of land. . . . In its general provisions this law furnished the model and contained substantially the same conditions as were embodied in all subsequent legislation on the same subject. . . . It provided that when any company had constructed and put in running order twenty-five miles of railroad, it could have thirty-two sections of public land surveyed for each mile of road so constructed, the land to be surveyed in square sections of 640 acres each, and every alternate section was donated to the railroad company, while the intervening sections were appropriated to the permanent fund of the public free schools of the State.¹⁹

Not only the railroads but the state was destined to benefit from these grants. Since it was to the advantage of the railway companies to encourage settlement of the areas they received in order to bring them into the market, the state was able to broaden its tax base with the increased population as well as having its public lands surveyed by railway surveyors.

As a result of the Compromise of 1850, the federal government purchased from Texas 125,000 acres, land now a part of New Mexico, for \$10,000,000.²⁰ The legislature designated \$2,000,000 as a permanent school fund for free public education; \$5,000,000 was set aside to pay the debts of the Republic.²¹ The remainder was available for investment. The Loan Act of 1856 provided that for each mile of track completed the railroad companies could borrow

¹⁹Wooten, 767.

²⁰Roberts, 23.

²¹Texas Almanac (1969), 87.

\$6,000 in cash with no stipulations as to use. This program issued loans of \$1,816,000.²²

Cities and towns eager to get rail transportation through their area resorted to selling city and county bonds and giving the money to the builders as incentives to get them to build in a particular direction. By 1871, over one million dollars had been given to the railroad companies, a practice which was made illegal by the 1876 Constitution.²³

These methods, though generous and reckless, nevertheless secured for the state transportation at an earlier date than would have been available otherwise. Even with these programs only eleven companies were in operation and only 451 miles of track had been laid by 1860, of which four-fifths was built out from Houston in five directions.²⁴

During the Civil War

Railroads constitute a strategic wartime objective, so those in the South were devastated and rendered almost useless during the war. Since no major invasion by Union forces took place in Texas, the destruction was not so great as in other parts of the South. However, two of the eleven roads were destroyed, two were abandoned,

²²Potts, 90-91; and Williams, 99.

²³Potts, 190; Article III, Section 52 of the Constitution.

²⁴Potts, 42; and George W. Bailey, notes for an unpublished biography of James Stephen Hogg, Bailey Papers, University of Texas Archives, Austin, Texas, 176, hereafter called Bailey Papers.

one had the iron removed for harbor defenses, the rolling stock and road beds of all had deteriorated, and practically all the companies were bankrupt.²⁵ As a result, the 1869 Report of the Comptroller stated: "Most of the railway enterprises became so crippled during the rebellion that they ceased in any sense to be living, organized bodies. No accurate information can be given as to their assets, liabilities, or capacity for business. They have ceased to work in the extension of their roads, and it is not known whether they are operating the lines already completed."²⁶

Post Civil War

During the Reconstruction years of 1865 to 1870, there was very little railroad construction. The mileage increased from 451 to 511 miles in 1870.²⁷ The deteriorated tracks, rolling stock, and property and the lack of capital, no doubt, accounted for this standstill. Another major cause was the attitude of the Reconstruction government toward the companies which were in debt, a prohibition of land grants to railways.²⁸ The discontinuation of the practice of land grants evidently retarded further construction.

²⁵Potts, 36.

²⁶Report of the Comptroller (Austin, Texas, 1869), 5.

²⁷Potts, 42.

²⁸Ibid., 99.

With the election of Governor Richard Coke in 1874, the Democratic party was returned to power and the land grant policy was resumed. There were 3,244 miles of track in 1880 and the next ten years saw that amount increased to 8,710 miles.²⁹ "By 1892 there were 52 separate roads operating lines in Texas."³⁰

More miles of railroad lines had been laid in Texas by 1890 than in any other state in the United States. The need for railroads was great and the easiest way to obtain them was through the use of grants of land of which Texas had an abundance. "During the thirty years of this policy the State actually granted to the railroads first and last 38,900,800 acres of land, of which 1,254,687 acres was afterwards recovered from the railroads."³¹ This system was not without faults, but the blame may be placed on both the state and the railroad companies. "Under these [land grant] acts sixty-seven companies were chartered prior to the repeal of the land grant act in 1882. Of this number only nineteen constructed their roads, and only twelve received lands. But by 1882 the State had made provision for granting about four times as much vacant land as it had other than the one-half set aside by the Constitution as school land and had actually issued certificates for nearly eight million acres more than it possessed."³² For this reason all land grant laws were repealed on April 22, 1882.

²⁹Ibid., 43.

³⁰Wooten, 767.

³¹Bailey Papers, 179.

³²Potts, 101.

Railroad Abuses

Texas industry, particularly the agriculturalists, needed transportation to get their products to the markets. This need had allowed the railroads to grow virtually unchecked. By 1890 the shippers, the farmers, and a number of state leaders contended that the railroads had taken advantage of the people and were guilty of abusive practices. These practices were excessive rates, monopolies, illegal stock and bond activity, poor service, and land fraud.

Rates

The railway companies set rates at whatever the market would allow. Being cognizant of the need for transportation and with little restraint placed upon them and in some instances encouraged by the state, the railroads were in a position to control not only rates but schedules also.

To compensate for the low incomes because of light tonnage shipped and the cost incurred because of the long distances between producers and markets, the railroads instituted the long haul-short haul concept.

The railroad companies, . . . in order to increase the amount of transportation from one State to or through another, had established what is known as the 'long haul;' and the transportation from one place to another within the State known as the 'short haul.' The freight rate placed on the short haul was placed high--that is, at an amount above the average value of the service--in order to help pay the freight rate placed on the long haul, which might thereby be placed low; the effect of which was that the same article of commerce transported one hundred miles within the State from one place to another would cost as

much as if it had been transported five hundred or a thousand miles from a place in another State.³³

The Galveston Daily News in 1883 reported that the Gould roads charged \$4 per bale to freight cotton from Dallas to Galveston and the same amount from Dallas to St. Louis. From Temple, Texas, to St. Louis, a distance of 841 miles, the rate was \$3.75, whereas from Temple to Galveston, a distance of 218 miles, the rate was the same. The distance was almost four times as great to St. Louis but the rate was the same.³⁴ In 1885 the condition was the same. The Galveston paper again reported that a bale of cotton cost \$4 to ship from Waco to St. Louis, a distance of 748 miles; and the charge from Waco to Galveston, a distance of 236 miles, was the same amount.³⁵

In some cases it was even more profitable to ship goods out of the state and then back again in order to get the benefit of the low interstate rate. The cotton factory at Terrell was compelled to use this practice. Senator C. K. Bell asserted that the Cotton Belt Line was carrying cotton to St. Louis at a cheaper rate than it could be carried between any two Texas towns one hundred miles apart.³⁶ The Fort Worth Gazette reported that in Weatherford "the waterworks company desired to buy its water pipe from the Rusk manufacturers, but was forced to go to Nashville for their supplies because of the difference in freight rates. It is certainly unjust and radically wrong

³³Roberts, 281.

³⁴Galveston Daily News, September 19, 1883.

³⁵Galveston Daily News, February 19, 1885.

³⁶Potts, 113; and Kennedy, 78.

that rates from Nashville should be cheaper than from an interior Texas town, and this is but a sample case."³⁷

These discriminatory practices were damaging to such an extent that some of the Texas industries established when railway shipping became available were forced to close. Senator Coke asked, "Where are the New Braunfels woolen mills, the cloth products of which of the same class, unequalled in the East, were worn all over Texas and retailed in every store in the state ten or twelve years ago? This splendid industry by hostile discriminations of railroads in co-operation with Eastern manufacturers has been driven absolutely out of existence."³⁸

Another cause of hostility to the railroads was the discrimination of rates between towns. The companies customarily gave low freight rates to favored localities which had possibly donated land or money to the corporation or in some way gained favor. At the same time high rates were charged other smaller or unfavorable stations. Rebates were also used to give low rates to persons or firms while high rates were charged to competitors in the same business; and in both situations those discriminated against were forced to repay for concessions made to the favored parties and places.³⁹

Senator Coke also asserted that "if railroad rates would permit, the surplus product of each of these sections [Eastern, Western, Northern, Southern, and Central Texas] would find for the most part

³⁷Fort Worth Gazette, July 24, 1889.

³⁸Fort Worth Gazette, August 3, 1889.

³⁹Ibid.

a ready market in the others, instead of rotting unused, or being wasted, as is the case now, because the high cost of transportation leaves no margin for profit."⁴⁰

Monopolies

Closely aligned to the problems of rebates was the monopolistic control of the various roads. Nationally, the system was a pyramid structure of control with eighty per cent of all the railroads in the entire country being controlled by six men.⁴¹

In Texas two men controlled the balance of power of the rail industry as a result of the "gentlemen's agreement" made between Collis P. Huntington and Jay Gould by which they agreed to pool the traffic between El Paso and New Orleans and not to build in each other's territory.⁴² The agreement in effect divided the state with Gould and his railroad system controlling the northern portion and Huntington and his associates controlling the southern part,⁴³ marking "the culmination of a contest between the two over the building of a transcontinental system through Texas."⁴⁴

Designed to maintain rates agreed upon by the two factions, the agreement was no sooner made than broken. Two types of pooling

⁴⁰Ibid.

⁴¹Progressive Farmer, Raleigh, North Carolina (January 21, 1890), 1.

⁴²Potts, 73.

⁴³Williams, 274.

⁴⁴St. Clair Reed, Texas Railroads, (New York: Ronald Press, 1922), 544.

were established. One was the division of territory between rival railroads and the other was pooling in an effort to maintain high rates and to divide all competitive traffic.⁴⁵

With this division of power particular problems arose. The traffic out of Texas ports diminished because of favorable rail rates for cotton, cattle, and grain shippers to the North along the lines controlled by Gould and Huntington. Another problem was the serious reduction in construction by the two powers and third party lines. Not only did the refusal of the two groups to build into each other's territory greatly retard the building in the state by any of the companies concerned, but their combined power acted as a deterrent to third parties contemplating the construction of competing lines.⁴⁶

Illegal Stock and Bond Activity

Closely related to the monopoly problem was the issuing of watered stocks. The builders would issue stock and sell bonds at an announced figure per mile. They had little difficulty in selling them to investors in and out of the country at the time. They would then build parallel to an existing line and set rates so low that the company would go bankrupt. The road would be recapitalized at a higher figure and more stock sold. In this way large amounts of capital would be obtained on little investment.⁴⁷

⁴⁵Ibid., 543.

⁴⁶Potts, 77-78.

⁴⁷Progressive Farmer, (January 21, 1890), 1.

Poor Service

The shippers and passengers had no assurance that they would receive the service advertised. As a result of the power of the railroad companies the shipper had little recourse even if his goods were shipped late, lost, damaged, or stolen.

The aggrieved shipper was forced either to bear his ills in silence or to begin a battle in the courts with a powerful adversary, a battle that generally carried him through all the higher courts and piled up costs and attorney's fees out of all proportion to the benefits derived in case of final victory. During the progress of the tedious litigation, he was often made to realize the danger in incurring the railway manager's ill will, and his business was not infrequently ruined by extortionate charges or discriminations in favor of his rival in business. Such contests were so unequal and were of such doubtful benefit even when brought to a successful issue, that the average citizen bore in silence the wrongs that it seemed useless to resist.⁴⁸

At the whim of the owners, certain roads were shut down or schedules were changed. For example, a portion of the International and Great Northern under the control of Jay Gould, which ran from Taylor to Palestine, was allowed to fall into disrepair. Attorney General James Hogg secured an injunction compelling the I&GN to improve that part of its track and resume service over it.⁴⁹

Illegal Land Holdings

Agrarian groups alleged that the railroads were holding land illegally. Because of the generosity and ardent desire of the state to obtain railroads, Texas had, by 1882 when land grants were abolished,

⁴⁸Potts, 115-116.

⁴⁹Bailey Papers, 183.

granted to the railroads 38,900,800 acres of land. Under the charters and land grants, this land was to be alienated. The charge was that the railroad companies sold this land at a very low rate to a land holding company which was under railroad control, not infrequently made up of their company officials. In this way the land was kept under railroad control while the railroads complied with the letter of the law. The reason for this procedure was land speculation. As new settlers arrived, the land became more valuable, thus producing a greater return.⁵⁰

According to the Land Grant Act of 1876, the land had to be alienated, one-half in six years and the other half in twelve years, under penalty of forfeiture.⁵¹ Other plans called for varying formulas, but the railroads transferred the land to their own holding companies whenever the deadline arrived. These land companies became very powerful in influencing legislation and agricultural production.

The History of Railroad Regulation

To establish the context of the need for railroad reform two considerations become important. The first is the types of regulation employed--self regulation by the railroad industry, and the impetus by the federal government and state programs aimed at regulation. The second consideration is the tracing of these types of regulation in Texas.

⁵⁰Ibid, 196.

⁵¹Hans Gammel (ed.) Laws of Texas, 1822-1897 (Austin: Gammel Book Company, 1898, Vol. VII), 989.

Types of Regulation

Self-Regulation by the Railroads

While the railroad industry was in its infancy with few miles of track all within state boundaries there was no threat of outside control. As the industry grew and began to cross state lines and transcontinental roads were completed, the problem became national in scope. With growth came increased problems. Competition between the companies regarding rates, lines, land grants, and the sale of stocks and bonds was the root of these difficulties. In an effort to bring order that would benefit each, the companies "organized associations, bureaus, pools, and agreements in an effort to maintain rates and other abuses."⁵²

In Texas two separate attempts were made at self-regulation. The most intriguing was the "gentlemen's agreement" between Jay Gould and Collis P. Huntington. Gould, with his Texas Pacific system, was building out of Fort Worth toward El Paso and eventually San Diego, California. He had obtained from the federal government the right-of-way from El Paso to San Diego. Southern Pacific, the Huntington line, was moving out of Houston via San Antonio to El Paso and on to San Diego. Huntington built the road from San Diego to El Paso on Gould's right-of-way and upon learning this Gould filed suit against the Southern Pacific. The two roads, Texas Pacific from Fort Worth and Southern Pacific from San Antonio, met at Sierra Blanco, 80 miles east of El Paso. The question was then who controlled the road from that point to California.

⁵²Reed, 544.

The two industry magnates met in New York City on November 26, 1881, and settled on a compromise. "Its object was to adjust the differences . . . and to arrange for the division of the traffic and of the territory served by the railway systems controlled by them."⁵³ Although much of the agreement dealt with the completion of the trans-continental line, "the provision which prohibited the building of parallel and competing lines has exercised an important influence on the amount and character of railroad building in Texas. Roughly speaking, it tended to turn over the northern half of the state to Gould interests and the southern half to the Southern Pacific interests, and prevented either party from extending its lines into the territory of the other."⁵⁴ This agreement was not made public and was not definitely known to exist for at least a dozen years.

The second regulatory attempt was the creation of the Texas Traffic Association which was organized by the leaders of four major railroads at the Beach Hotel in Galveston on July 15, 1885, "to establish and maintain equitable and uniform rates upon traffic having origin and destination in the State of Texas."⁵⁵ The original members were the Gulf, Colorado, and Santa Fe; the Houston and Texas Central; the Missouri Pacific Railway (lessees of Texas and New Orleans, the Galveston, Harrisburg and San Antonio, and several small lines); and the Texas and St. Louis. These were later joined by the Fort Worth and Denver; the Kansas and Gulf; the Shreveport and Houston; the

⁵³Potts, 74.

⁵⁴Ibid., 77-78.

⁵⁵Reed, 552.

Houston, East and West Texas; and the San Antonio and Aransas Pass. This was all of Texas railroads except a few short lines.⁵⁶

The Association agreed that no member "should directly or indirectly reduce the rates, by drawbacks, special rates, underbilling, or any other device, and no commissioner or its equivalent shall be paid by any party thereto; nor shall any names be carried upon any payrolls or salary vouchers except those of bonafide employees."⁵⁷ The fact that a meeting was called with these intentions adds credence to the idea that problems mentioned did exist and to such an extent as to be disadvantageous to the railway companies if continued.

The Association functioned for three years with some degree of success. "Rates were lower and more stable than ever known."⁵⁸ Potts agrees that "there was doubtless much truth in the contention of the railways that the Association benefited both the railroads and the shipping public."⁵⁹

In 1888 Attorney General James S. Hogg brought suit for the state against the Association on the grounds "that the organization was in violation of the constitutional provision prohibiting the combination of parallel and competing lines," and the Texas Supreme Court ordered its dissolution.⁶⁰

⁵⁶Ibid.

⁵⁷Ibid., 553.

⁵⁸Ibid., 556.

⁵⁹Potts, 82.

⁶⁰Gulf, Colorado and Santa Fe Railway Company vs. The State. (72 Texas 404).

The cursory attempts made by the railroad industry were not entirely effective as a result of the innate inability of a body to regulate itself. The fact that these were competitive and profit motivated concerns made self-regulation unworkable.

Federal Decisions Affecting Railroad Regulation

The Constitution of the United States reserves for the federal government the right to regulate commerce. Although this right was universally applied to interstate commerce, several Supreme Court decisions directly affect state railway regulations.

In 1877 one of the Granger cases dealing with the storage of grain in warehouses formed the basis for granting the states the right to establish a plenary railway commission. Chief Justice Waite, in rendering the decision, said:

Looking, then to the common law, from whence came the right which the Constitution protects, we find that when private property is 'affected with a public interest, it ceases to be juris privati only.' This was said by Lord Chief Justice Hale more than two hundred years ago, . . . and has been accepted without objection as an essential element in the law of property. . . . When, therefore, one devotes his property to a use in which the public has an interest, he in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use, but, so long as he maintains the use, he must submit to the control.⁶¹

In essence this case settled the authority of the state legislatures to control the charges of the businesses affected with public interest such as railroad companies. It was clear that though the power conceded to the legislature was liable to be abused, the people

⁶¹Munn vs. The State of Illinois, (94 US 126).

must resort for protection against abuses to the polls and not to the courts. The question of rates seemed by these Granger decisions to be a legislative and not a judicial question. In Lake Superior and Mississippi Railroad Company vs. United States, the Court declared that railroads were "public highways."⁶²

Because of these decisions, it became evident that state legislatures could fix maximum rates upon railroads and otherwise regulate their charges and delegate these powers to an agency or a commission. An example of this delegation of powers was sustained in the Mississippi Railroad Commission Case which upheld the state's right to fix rates, but the Court stipulated that the railroad should be allowed a "fair return."⁶³ Also in another Mississippi case the Court stated that the rates might be adjusted "as experience and business operation might show just."⁶⁴ In the case of Chicago, Burlington, and Quincy Railroad Company vs. The State of Iowa, the court decided that "Railroads are carriers for hire . . . subject to legislative control as to their rates of fare and freight unless protected by their charters."⁶⁵

In 1890 a major decision affecting the state commissions was Chicago, Milwaukee and St. Paul Railway Company vs. The State of Minnesota. This decision, according to Justices Bradley, Gray, and

⁶²Lake Superior and Mississippi Railroad Company vs. United States (93 US 442).

⁶³Stone vs. Farmers' Loan and Trust Company (116 US 307).

⁶⁴Spring Valley Water-works vs. Schottler (110 US 347).

⁶⁵Chicago, Burlington, and Quincy Railroad Company vs. The State of Iowa (94 US 155).

Lamar in the dissenting opinion, essentially reversed Munn vs. Illionis.

"The governing principle of those cases was that the regulation and settlement of the fares of railroads and other public accommodations is the legislative prerogative and not a judicial one. . . . By the decision now made we declare, in effect, that the judiciary, and not the legislature, is the final arbiter in the regulation of fares and freights of railroads and the charges of other public accommodations."⁶⁶ As a result of this decision, the regulation of the railroad industry was vested in a judicial or quasi-judicial body. The Texas Railroad Commission was such a body.

State Railroad Commissions

The states recognized early in the development of the railroad industry the need for some form of control. They first tried to control the industry by charter enforcement, but this was always ex post facto and was unsuccessful. Then general legislation was tried and this "proved unavailing. . . . The interstate nature of railroads made the problem of surveillance and charter enforcement impossible. . . . Direct control by the legislature was tried repeatedly and proved impractical."⁶⁷ There developed an unwieldy structure of laws and an enforcing body that had little technical knowledge of what was required of them. If left up to the courts, delays and court costs were significant barriers to effective regulation.

⁶⁶Chicago, Milwaukee and St. Paul Railway Company vs. The State of Minnesota (134 US 463).

⁶⁷Marvin Luke Fair and E. W. Williams, Economics of Transportation (New York: Harper and Row, 1959), 428.

In an attempt to effect some form of regulation the Grange was able to secure the passage of a number of "Granger Laws" in the mid-west. "From the outset the laws were vigorously attacked by the railroad companies. They appealed to the courts on constitutional grounds and to the public on economic grounds. Each measure in turn was taken to the courts. The railroad lawyers argued that the Dartmouth College Case had established the charter as a contract which defines and limits the rights and powers of the parties to it. . . . The rates set in the laws were a violation of the 14th amendment, depriving them of property without the benefit of due process of law. The rates were, they insisted, a form of confiscation."⁶⁸

The resulting pressure brought by the Grange upon the legislature caused the creation of the first commission with mandatory rate powers, established in Illinois in 1873; and by 1887, although all but twenty states had commissions, only eight states assigned rate making powers to their commissions.⁶⁹ The effect of state commissions on the railroads was to convert them to a belief in federal regulation.⁷⁰

These state commissions, with the exception of Illinois and Georgia, met with little success. Either they had no enforcement power or were circumvented and staffed with men friendly to the railroads. In California the wrath of the citizenry

⁶⁸Ibid., 431.

⁶⁹Gabriel Kolko, Railroads and Regulation 1877-1916 (Princeton, New Jersey: Princeton University Press, 1965), 16.

⁷⁰Ibid.

against the SP took the form of a march to the polls and the adoption of a new state constitution, the chief blessing of which was believed to lie in a Board of Railroad Commissioners whose duty should be to regulate the fares and freight schedules of 'all railroads' doing business in California. The three commissioners were cloaked with almost regal powers, and refusal to conform to their legal orders was to cost the offender up to \$20,000 fine and two years in the penitentiary. The new constitution went through with a whoop. But it soon dawned upon the people that a majority of the men elected to fill the responsible office of Railroad Commissioner were invariably put there by the railroads. Parties contended; faces changed; board after board came in and went out; but the regulation of fares and freight rates never seemed to concern the commissioners very much.⁷¹

By 1883 twenty-three of the thirty-eight states had commissions, and nine had the power to fix rates of freight and fares. "The development of these commissions were closely parallel. In the seventies and eighties the nine southern states east of the Mississippi River created railroad commissions. They ranged in type from the weak Virginia Commission of 1877 which had only advisory capacity and narrowly restricted jurisdiction, to the powerful Georgia Commission of 1879, which had authority to fix and enforce uniform rates, prevent discrimination, and establish freight classifications."⁷² The advocates of railroad regulation in Texas carefully studied the efforts of other states and benefited from their study.

The History of Railroad Regulation in Texas

A study of railroad regulation in Texas shows three different methods which at times were practiced simultaneously. The methods were regulation by (1) the charters granted to each line to operate

⁷¹Bailey Papers, 185.

⁷²C. Vann Woodward, Origins of the New South, 1877-1913 (Baton Rouge: Louisiana State University Press, 1951), 379.

within the state, (2) legislation aimed directly at regulation, and (3) the commission.

Regulation by Charters

Early railroad charters, granted by special acts of the legislature, placed certain restrictions on the chartered company. The first charter granted by the Republic of Texas had no restrictions, but the second, grant May 24, 1836, to the Galveston and Brazos Railroad Company provided that Congress should have power to regulate rates for freight and passengers.⁷³

This method of control continued until the 1876 Constitution of the state was adopted. Each charter required a special act of the legislature. The charters were long and often elaborate. "The objects sought to be accomplished by these early charter regulations seem to have been: (1) the safety of the public, (2) the co-operation of the various railway lines in handling freight and passengers, and (3) the regulation of the charges to be made for the services rendered."⁷⁴

The railroads were by far the largest corporations affecting the state of Texas prior to 1890. Because of the ex post facto nature of this type of regulation little control resulted.

Regulation by Legislation

The first legislation in Texas dealing with railroads was the General Railway Regulation Act of 1853. It contained most of the

⁷³Reed, 180.

⁷⁴Potts, 106.

general provisions of the separate charters. It gave the legislature the right to prescribe maximum rates based upon the net profits of the railway company for the preceding ten years.⁷⁵ The early attempt at state regulation was one of the first in the nation. The act (1) prevented payment of dividends if a road was bankrupt, (2) required regularly scheduled trains, (3) regulated maximum passenger and freight rates for the companies whose profits were in excess of 12%, (4) required an annual report of the state of financial condition, and (5) prohibited watering of stock.⁷⁶

This last provision was particularly significant because it was the catalyst which brought about an 1860 amendment to the Act of 1853. The amendment contained provisions against overcharging with stiffer penalties, but more importantly one section attempted to prevent the watering of stock. It stated that "no railroad company shall issue any shares of stock in said company, except at its par value and then only to actual subscribers who pay, or become liable to pay the par value thereof, and every officer or director of a railroad company, who shall issue, or consent to the issue of any share of stock in violation of this provision, shall personally become liable to the stockholders and the creditors of said company, for the full par value thereof."⁷⁷

The high rates and issuance of watered stock continued, yet the legislature did not use its power to review and set rates nor

⁷⁵Gammel, Vol. III, 1339.

⁷⁶Reed, 110.

⁷⁷Gammel, Vol. IV, 1422.

prevent the railroads from issuing watered stock. By 1871 a legislative committee denounced the charges of the Houston and Texas Central as being "exorbitant" and the company was described as being "an incubus and oppressive monopoly."⁷⁸ Complaints against the railroads became so common in 1875 that the constitutional convention included some strong provisions in the new constitution. Article X, Section 2 declared the railroads were public highways and the railway companies were common carriers and said "The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in rates of freight and passenger tariffs on the different railroads in this state; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties."⁷⁹ Section 25 of Article XVI also forbade the granting of rebates, and other provisions were made to require companies to keep general offices within the state to prohibit the consolidation of parallel and competing lines.⁸⁰

The railroads opposed each legislation with the same argument. They claimed that "they had a franchise that was private property [based on the Dartmouth College Case] whose profits could not be materially affected to their prejudice by any regulations of the legislature, and they made combinations in the nature of pools so as to prevent the rates of freight from being made lower by one of

⁷⁸Gammel, Vol. VIII, 978.

⁷⁹Ibid., 987.

⁸⁰Ibid., 997.

them in competition with others."⁸¹ These combinations and pools led to other abuses as discussed earlier. It was judicially decreed in separate decisions that the states had the right to regulate the "vessels of transport," "the land used," and "the rates charged."⁸²

The legislature continued to pass laws in an attempt to curb the high rates, watered stock, and general discrimination against persons and places and declared that "a higher charge to one person than to another for a similar service should be accepted as prima facie evidence of unjust discrimination."⁸³

In an effort at further regulation the Office of State Engineer was created. The plan was to have this office oversee the railroads, to recommend to the legislature necessary legislation and to act as a watchdog to compel the railroads to comply with the law. After an eighteen month term, Engineer A. H. Britton reported to the governor and was asked if the program was a success. His reply was "From my observation and experience I answer, emphatically, NO! The act gives the State Engineer no power. He can inspect and persuade the railway companies but he has no power to order and compel. . . . I respectfully recommend that the present office be abolished."⁸⁴ It was abolished as recommended. One year earlier Governor Roberts had said the real problem was lack of enforcement of the existing laws.⁸⁵

⁸¹Roberts, 280.

⁸²Ibid.

⁸³Gammel, Vol. VII, 1417.

⁸⁴Potts, 120.

⁸⁵Texas House Journal, 1883 (Austin, Texas), 12.

In order to strengthen the enforcement procedures a law was passed that required the railway companies to maintain their principal offices within the state.⁸⁶ The law, passed in 1885, formed the basis for Attorney General Hogg's legal fight to get the offices relocated. He was successful in applying the regulation to all railway companies operating in Texas.

Potts summarized the inadequacies of the legislature in effecting significant control over the railroads when he stated that by 1890

it had come to be pretty generally recognized that the intelligent regulation of a business so vast and complicated was quite beyond the powers of a large and unwieldy body of men, most of whom were utterly ignorant of the business sought to be controlled. The fact that the Legislature, which meets only once in two years, could not from time to time adjust its rates and fares to the constantly varying needs of the commercial world, showed that it was not the proper body to attempt the regulation of the railroads and pointed unmistakably to the necessity of a small body of experts who could devote all their time and attention to the work in hand and be constantly in session to hear the complaints of the public on the one hand and of the railways on the other. Such a body the State Railroad Commission was intended to be.⁸⁷

Regulation by Commission

Governor Hogg was not the first Texas governor to recognize the need for the creation of a railroad commission. At least six major abortive attempts were made before 1891. As early as 1876, General Coke called for a state commission. In his message to the legislature he recommended "an examination of the system in

⁸⁶Potts, 114.

⁸⁷Ibid.

Massachusetts, which seems to work satisfactorily. In that state, the whole subject under general law is placed in the hands of a board of three commissioners, with extensive powers and discretion, whose supervision extends to everything connected with the organization of railroad companies. They ferret out abuses, hear complaints, and bring to the notice of the proper authorities all violations of public and private right, make regular reports, suggest legislation, etc."⁸⁸

Some evidence supports the thesis that Governor Coke was calling for a commission because of the growing strength of the Grange. This organization of farmers had already succeeded in securing regulatory bodies in a number of western states in the 1870's and was, for that matter, on its way to achieving national regulation in the Congress, an effort culminating in the creation of the Interstate Commerce Commission.⁸⁹ Coke's recommendation had no effect since no specific action was taken by the legislature.

The first real fight for a commission in the Texas legislature came in 1881 when a bill was introduced by G. King of Hopkins county and Judge J. G. Chenoweth, Chairman of the House Committee on Internal Improvement.⁹⁰ The bill called for establishment of a commission of three members appointed by the governor for two year terms. This commission was to have the power to see that railroad companies complied with their charters, set up a uniform system of

⁸⁸Potts, 116

⁸⁹Williams, 272.

⁹⁰Potts, 116.

bookkeeping, fix rates and fares, and prevent rebating and discrimination.⁹¹

The large railway companies fought passage of this bill with great vigor. Railroad men were drawn to Austin as if by a magnet. "About the same time--whether as a matter of mere coincidence or of premeditation and design does not appear--Jay Gould and a large party of high railroad officials set out from New York on what was probably his first tour of inspection of his Texas properties. . . . At Galveston, Mr. Gould gave out a two and a half column interview on our great prosperity as a nation and the great natural resources of Texas. 'But,' he said musingly, 'There is one peril--injudicious interference by Congresses and state legislatures with business.'" Gould further worried that this great future for Texas could be damaged by hostile legislation.⁹² The attempt by the legislature to pass the commission bill failed probably as a result of such strong railroad opposition and the fact that Governor Roberts believed the bill to be unconstitutional.⁹³

A special session of the legislature was called in 1882 to consider some form of regulation. The House passed one bill; the Senate passed another; but both failed in conference.⁹⁴ The House bill attempted to set a schedule of freight rates but failed because

⁹¹Ibid.; and Kennedy, 123.

⁹²Potts, 117.

⁹³Kennedy, 123.

⁹⁴Bailey Papers, 433.

of the enormity of the problem. This attempt, however, did cause rates to be slightly reduced.⁹⁵

Again in 1883, Governor Ireland stated in his address to the legislature that "experience has demonstrated that some one especially charged with the duty of seeing that these institutions [the railroad companies] perform their duty to the people is the only sure mode of protecting them. Persons with small capital cannot and will not contend for their rights when withheld by these corporations, and I therefore recommend that a commission of three or more persons be appointed to take charge of that subject."⁹⁶ The recommendation was significant in that the Governor favored a commission while his predecessor, Governor Roberts, had not. Heated debate ensued, and a compromise was struck with the appointment of a state railroad engineer, an office which was tried for eighteen months and failed. State Engineer Britton recommended the abolition of his office since no power had been given to him.⁹⁷ The fight continued and in Governor Ireland's second term (1885) a commission bill was introduced and defeated.⁹⁸

When Sullivan Ross was elected governor of Texas in 1887, he opposed a commission, but during his second term he became a convert to the idea and approved a joint resolution providing for the submission of a constitutional amendment that would provide the legislature

⁹⁵Roberts, 281.

⁹⁶Texas House Journal, 1883, 88.

⁹⁷Potts, 120.

⁹⁸Bailey Papers, 433.

with the authority for establishing a commission.⁹⁹ This question of constitutionality had been a major reason for the defeat and lack of support for the previous bills. The attempts had failed not because it was thought that regulation was unnecessary, but principally because the terms of the constitutional provision did not authorize establishment of a commission by the legislature. As a result a resolution for a constitutional amendment was adopted on January 8, 1889.¹⁰⁰

The amendment was to add to Section 2, Article X the words "and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies, invested with such powers as may be deemed adequate and advisable."¹⁰¹ The amendment became a critical issue in the campaign of 1890.

Summary

This period of Texas history was not unlike an adolescent who is not fully coordinated. Texas was teeming with growing industrial development, increased productivity in agriculture, a powerful railroad network, an ever expanding frontier, and an active and industrious people. Each of these factors were striving for maturity, but some element of coordination was needed. Land, Texas's most valuable asset, was bound by speculators and monopolies at the same time

⁹⁹Kennedy, 124.

¹⁰⁰Roberts, 281.

¹⁰¹Ibid., 275.

migration was rampant. Railroads, the Texas enigma, needed though abusive, had crisscrossed the state but were hostile to any type of control. The producers and consumers suffering from low prices for raw materials, high prices for finished products, poor credit, and excessive shipping rates were searching for some form of political redress for these problems. Texas was ready for reform.

CHAPTER III

HOGG'S SPEECH PERSONALITY

Charles Culberson, Hogg's attorney general and successor as governor, summarized Hogg's speech personality when he stated Hogg "spoke in his two campaigns perhaps to as great audiences and moved them as deeply as any man in the history of our State."¹ Factors in the development of Hogg's speech personality were (1) his preparation for speaking, (2) the basic principles which guided him, (3) his method of speech preparation, and (4) his method of delivery.

Preparation for Speaking

Early Education

When Sam Houston came to Alabama in search of help in maintaining the independence of the Republic of Texas, Colonel Joseph Hogg moved his family to Texas. Hogg served as a member of the Congress of the Republic, was a delegate to the annexation convention, was a state senator, served as chairman of the committee on the judiciary, helped write portions of the first state constitution, and led Texas in the Mexican War and the Civil War.²

¹Dallas Morning News, March 4, 1906.

²Joseph Lewis Hogg Folder and Genealogy Folder, the Hogg Collection, University of Texas Library, Archives, Austin, Texas.

The fifth of seven children born to Joseph and Lucanda Hogg, James Stephen Hogg was born on the family plantation near Rusk, Cherokee county, Texas, March 24, 1851. Later James Hogg was to boast that he was born in a storm and was, therefore, accustomed to stormy surroundings.

Although the founding fathers of Texas were concerned with education, there was no system of public schooling prior to the Civil War. Rusk was a rural, frontier community; however, citizens such as Joseph Hogg provided for the elementary education of the children. In A History of Cherokee County, Mrs. Hattie Roach indicates that James Hogg was a student at Stephens and Carter Academy and Hale Institute, although no mention is made of the dates of his attendance or the subjects taught.³

Elementary education just prior to the Civil War contained some elements of speech training. A History of Speech Education in America states "In one sense, almost every elementary teacher . . . could have been considered a speech teacher because most instruction had centered on oral reading."⁴ The students at Rusk were given oral training in their elementary schooling.

In addition to attending school the Hogg children were given private tutoring. Robert McEachern, a blind musician and poet who lived with the family, taught them piano, violin, and singing.

³Hattie Joplin Roach, A History of Cherokee County, Texas (Dallas: Southwest Press, 1934), 49.

⁴Gladys L. Borchers and Lillian R. Wagner, "Speech Education in the Nineteenth-century Schools," A History of Speech Education in America, Karl R. Wallace (ed.) (New York: Appleton-Century-Crofts, Inc., 1954), 291.

"McEachern also helped James make progress in reading, frequently listening to him read aloud and correcting pronunciation when necessary."⁵

After the secession of Texas, Joseph Hogg was commissioned a brigadier general in the Confederate army and was killed at Corinth, Mississippi in May of 1862. As a result of General Hogg's death and the death of Lucanda Hogg a year later, James Hogg was orphaned at the age of 12. However, Joseph Hogg contributed to James's speech training by instilling in him a desire for public service, providing an opportunity to meet the men who had shaped Texas history, and setting an example for forensic skill.

In the winter of 1865-66, James, his widowed sister and her son moved to Tuscaloosa, Alabama. They took up residence in their mother's family plantation home, but the ravages of the war in the South left them with little money. The boys were enrolled in a school taught by a twenty-two year old veteran, Isaac Wellington McAdory, who became a pioneer advocate for public education in Alabama.⁶ At McAdory's school Friday afternoon was reserved for declamation and public speaking. "Jim was horrified at first at the idea of standing in front of the still somewhat hostile class, especially since he was self-conscious about being so tall for his age. McAdory, who had noted with interest the boy's fine speaking voice, did not urge him, but suggested that on their walks to and from school Jim might

⁵Robert C. Cotner, James Stephen Hogg, A Biography (Austin: University of Texas Press, 1959), 14.

⁶Letter from Mrs. I. W. McAdory to George Bailey, September 3, 1923, Bailey Papers.

rehearse parts of speeches that he could learn the night before. Gradually assurance came, and before long Jim was enjoying himself, not only when declaiming along the road but also in front of his schoolmates."⁷ James later felt that his association with McAdory, a man interested in the English language both written and spoken, was important in shaping his life.⁸

Although in Alabama only a few months, James viewed the grave consequences of war. Upon returning to Texas, he realized that although Texas had financial difficulties, she had suffered less than her neighboring states.

In Rusk, James was enrolled in Cherokee High School, which had been established the previous year (1865) by Peyton Irving. In order to pay his tuition it was necessary for James to do various chores for Professor Irving.⁹ The subjects taught included orthography, reading, writing, arithmetic, grammar, geography, history, logic, rhetoric, natural philosophy, physics, chemistry, classics, higher mathematics, and moral and mental philosophy.¹⁰ Some of the school activities were music, declamations, study of "literary gems," select orations, and original orations.¹¹

On a day set aside for speaking an incident occurred that was to have a direct influence on Hogg's future oratory. In preparation

⁷Cotner, Biography, 29-30.

⁸Interview with Miss Ima Hogg, July 11, 1974.

⁹Barksdale, 4.

¹⁰Hattie Joplin Roach, The Hills of Cherokee (no publisher, 1952), 55.

¹¹Roach, History, 103.

for reciting in class it was James's custom to rehearse in the solitude of the woods. On this occasion he was reciting an oration intended for delivery in a class contest while unknown to him a classmate followed, listening to the frequent repetitions and memorizing not only the exact wording of the speech but James's gestures as well. Called upon first, the classmate gave the oration to the amusement of the students and the humiliation of his victim. When James's turn came to speak, he explained the situation and attempted an extemporaneous presentation.¹² "He later said that in that experience he learned the advantage of using one's own ideas and phraseology and not relying on a set speech."¹³ He continued this practice throughout his career.

Charles Young, a classmate at Cherokee High School, described James's speaking in school exercises as being "rather clumsy in his connections and often the school would laugh at him, but he never failed to make the effort. He had the bull dog tenacity and determination then that he had in his subsequent life."¹⁴

James Hogg's formal education ended in 1866. The financial difficulties which faced most Texans made it necessary for him to begin to work in order to assist in the maintenance of the family. Although James no longer attended classes, he continued to learn. Charles Young described him as "a boy that did not care much for the association with other boys, but rather sought to throw himself with men

¹²Telephone Interview with Miss Ima Hogg, July 11, 1974.

¹³Cotner, Biography, 31-32.

¹⁴Letter from Charles E. Young to George Bailey, February 4, 1923, Bailey Papers, hereafter cited as Young-Bailey Letter.

with whom he loved to talk."¹⁵ Long's Hotel, a popular meeting place, became James's classroom and the notable members of the bar and the local ex-soldiers and Indian fighters became his instructors. By listening to these men James was learning the history of Texas and the current problems confronting the state. In addition to these discussions he studied Henderson Yoakum's History of Texas,¹⁶ John Reagan's Fort Warren Letter,¹⁷ and Oran Roberts' speeches.¹⁸

One of James's pastimes was to read aloud to his former tutor, Robert McEachern. Some of their selections were Arabian Nights; the works of Sir Walter Scott; Lord Byron; Alexander Pope; James Hogg, the Scottish poet; and many books of fiction both old and new.¹⁹

James Hogg's formal education was limited because of the lack of opportunity in the frontier community. The loss of his parents and the war were additional factors which retarded his education. Hogg was influenced by such men as McEachern and McAdory who stimulated his development of his speech skills. The influence of his father was also significant. Hogg read whatever books were available to him while working as a printer, sharecropper, and publisher. This reading was the most significant part of his total speech preparation.

¹⁵Young-Bailey Letter.

¹⁶Henderson K. Yoakum published his two-volume History of Texas (New York: Redfield) in 1855. His brother, Franklin L. Yoakum was a local physician and later served as president of Larissa College, near Rusk, after 1857.

¹⁷Quoted in Walter F. McCaleb (ed.), Memoirs of John H. Reagan (New York: Neale Publishing Company, 1906), 286-295.

¹⁸Oran M. Roberts, "The Address of the Texas Delegation," National Intelligencer (Washington, D. C., January 10, 1867).

¹⁹Cotner, Biography, 37.

As McAdory encouraged James in his speaking and the development of his rhetorical skills, Whistlin' Andrew Jackson, editor of the Rusk Texas Observer, played a significant role in developing his interest in the affairs of the times and community problems. Jackson was a Cherokee county institution. He had previously been a pioneer, soldier, and politician. The masthead of his paper ran the taunting slogan, "The world is governed too much."²⁰

The Observer office was a popular gathering place for the leading citizens of Rusk, and James frequently visited there with his brother, Tom, during the 1866 election campaign. Jackson occasionally asked him to do some jobs around the office. Later he tried his hand at typesetting. He became a full-time printer's devil early in 1867. Work in the print shop served as a continuing education. Part of his duties included clipping articles from exchange newspapers from across the North and South. He was exposed to such papers as the New York Sun, edited by Charles Dana, and Hearth and Home, edited by Harriet Beecher Stowe.²¹ These papers gave him access to points of view other than those of East Texas.

The Observer's news and forthright editorials brought the boy into direct touch with the issues and thinking of his time. Further, since the Observer office ran true to the tradition of small American newspapers in doubling as a community club, he heard spirited discussions among the prominent men of the region on the pros and cons of the legislation that was to be the basis of a 'New South.' . . . The association with Editor Jackson in itself offered a liberal education, as well as invaluable instruction in the printing craft and the vivid use of the English language.²²

²⁰Texas Observer, Rusk, Texas, January 26, 1867.

²¹Young-Bailey Letter

²²Cotner, Biography, 34.

As his printing skills matured, James began to assist in composing news articles providing an opportunity to improve his writing ability.

After hearing the exciting stories of Texas growth, James decided to move to the frontier town of Cleburne, Texas, in 1867. Here he worked for Chris Haines, a cotton farmer, who made James "one of the household, provided with a homemade walnut desk and given access to the family library. After the long working hours at the steam-operated gin house, he spent his evenings eagerly reading books on history, manners, religion, and government."²³

For the next three years James worked at whatever jobs were available. The family plantation had become worthless and much of it lost through sales in order to pay taxes and sustain the rest of the family.²⁴ Some of these jobs included being a printer's helper, a share cropper, and a farm laborer. In the summer of 1870, he began work for the Tyler Democrat and Reporter. H. V. Hamilton, editor, described his employee as an industrious boy whose leisure hours "were assiduously devoted to study and many a time, while he had a home in our family circle, midnight found him bending over his books."²⁵

In Tyler, Hogg became acquainted with Horace Chilton and Sawnie Robertson who invited him to become a member of the Tyler

²²Cotner, Biography, 34.

²³Conversations with Mrs. J. H. Haines, June, 1946. as quoted in Cotner, Biography, 46.

²⁴Hart, 441.

²⁵Tyler Democrat and Reporter, August 31, 1886. J. S. Hogg Scrapbook No. 2, p. 79, Hogg Collection, Archives, University of Texas Library, Austin, Texas

Debating Society. Soon afterward he was asked to participate in a public debate. Pleased by the honor of membership, he was somewhat startled at being asked to take part so soon in public debate with seasoned speakers. In a letter to his brother, Tom, he said: "I would not prepare for this debate was it not for wanting to belong to it [the debate society] in the future. If I do not stick, then the cry will be, 'he's timid, and will not do for a lawyer.' . . . for I feel perfectly competent to debate with that crowd, although it consists of young printers and lawyers. The debating society and Sunday School are the only institutions that I intend to belong to."²⁶ He was to take the negative on the question of "Would a republican form of government be better for the United States than a limited monarchy?"²⁷

Debating societies during this time served several purposes. They were not always associated with schools but were often established to fill a need for young men interested in sharpening their forensic skills.²⁸ These societies also served the needs of the community in that their public debates were educational and social events. Such was the case in Tyler. Robertson, Chilton, and Hogg were each to become members of the bar, and the experience gained from debating was probably very helpful.

The experience and skill attained while working with newspapers in Rusk and Tyler stimulated Hogg's desire to establish his own. He

²⁶James S. Hogg to Tom Hogg, September 26, 1870, Family Letters, the Hogg Collection.

²⁷Cotner, Biography, 54.

²⁸Borchers and Wagner, Speech Education, 394.

saved his money and began the Longview News in 1871. During this period the editing of a small hometown newspaper was an excellent stepping stone toward furthering a career in law or in public service. Editor Hogg indicated an interest in the intelligent growth and development of railroads. When certain elements in Smith county voiced a desire to obtain a rail line at any cost, he stated in an editorial that ". . . there is no 'harm' in securing all the railroads in your power, that's to your interest; but be sure not to get so excited and liberal as the green horn did when he first saw a steamboat, and offer all you are worth to get them."²⁹

A group of citizens in Quitman, having read Hogg's editorials, offered encouragement and inducements to him to relocate his paper; therefore, early in 1872 the Quitman News was established as an organ of the Democratic party.³⁰ The masthead of the paper carried the slogan "Devoted to the Interests of Texas."³¹ Hogg continued to edit and publish the paper after he was elected justice of the peace and was admitted to the bar.

Student of Law

Because James Hogg was interested in people and the political and social events of his day and because of the family history of public service, he decided early to prepare himself for a career in

²⁹Longview News, November 21, 1871.

³⁰Bailey Papers, 60.

³¹Quitman News, January 10, 1874.

law. His father had been a successful lawyer, known for his forensic skill. His brother, Tom, whose own legal education had been interrupted by the Civil War, provided a living example in that he worked during the day and studied law at night.

In Rusk one of the editors of the Texas Observer, Don Vietch, "a cultured old gentleman of the old school," kept some elementary law books in his office. According to Charles Young, "Jim Hogg first got his inspiration to become a lawyer from reading these books."³²

Early in 1868 Hogg learned that John Reagan had returned to Palestine after his release from prison at Fort Warren, Boston. James had read Reagan's Fort Warren Letters; and since he respected his father's friend, he visited him at his farm. In a eulogy delivered at the Good Roads Convention in Houston, April 18, 1905, a few months after Reagan's death, James Hogg told of the influence this man had upon him over the years by saying:

He is a splendid example of what young men can do if they try, of what middle-aged men can do if they try, of what all men can do if they try, and the first law of that man was to behave himself and obey the law. The law-abiding citizen is an honorable gentleman, he is respectful to other people. He discussed politics without partisanship, when he took a stand he did it independent of the thoughts of others. He was careful never to give an opinion until he had formed a judgment. He would investigate every question of public concern that came up, and having investigated it, he had the sidelights of his own reason thrown upon his judgment. That made him a statesman, that made him a great man, that stamped him in the eyes of Texas forever.³³

³²Young-Bailey Letter.

³³Robert C. Cotner, Addresses and State Papers of James Stephen Hogg, (Austin: University of Texas Press, 1951), 531, hereafter cited as Cotner, Addresses.

Hogg was further encouraged to continue his legal studies by his fellow members of the Tyler Debating Society, Horace Chilton and Sawnie Robertson, both of whom were studying law. The relationship between Chilton and James Hogg may be traced to the close friendship between James's brother, Tom, and Horace's father, Colonel George Chilton. Colonel Chilton was Tom's commander in the battle of Oak Hill and earlier had been associated with Joseph Hogg in the secession convention.³⁴ The boys became very good friends even though they worked on rival newspapers in Tyler. "Horace Chilton and James Hogg had many long conversations about their ambitions, particularly in light of present events. They agreed that newspaper ownership appeared to be an excellent stepping stone to political activity, and offered, besides, a congenial way of earning money for the study of law on the side. A law career was still the important main goal for both boys. . . . Before the year 1871 was out, each of them had started a newspaper of his own, Horace, age 18, the tri-weekly Sun in Tyler, James, age twenty, the News in Longview."³⁵ James later referred to Horace Chilton as "my best friend."³⁶ The Chilton name was well known in Texas at that time; and these two, along with Sawnie Robertson, Horace's cousin, formed the nucleus of the "Tyler Gang" that was to overthrow the redeemer regime in Texas politics.

³⁴Cotner, Biography, 531.

³⁵Ibid., 55-56.

³⁶James S. Hogg to Martha Francis Davis, December 20, 1894, Family Letters, the Hogg Collection.

As editor and publisher of the Quitman News, James continued to read for the law. "A lawyer friend, W. W. Giles, lent him books and otherwise helped him. He also made several trips to the neighboring town of Gilmer to talk to O. M. Roberts--then a learned lawyer and later governor of Texas--about questions of law."³⁷ His trips to Gilmer were not all prompted by an interest in law. He visited Sarah Ann Stinson, daughter of Colonel James Stinson. James Hogg and Sarah Ann were married on April 22, 1874, and to this union were born four children--Will, Ima, Mike, and Thomas.³⁸

After years of independent study, James Hogg was admitted to the bar in 1875; however, he did not stop learning. "Whether he had business or not, he entered each court day all justice and precinct courts in Wood county. The people learned to expect him and he seldom failed to be employed by someone to attend to some legal matter."³⁹ In this way he watched other lawyers at work and also acquired both acquaintances and clients.

Early Political Career

In his Rusk speech, April 19, 1890, Hogg stated that his political career began before he actually was able to practice law when he served the citizens of Quitman, Texas, as road overseer. In

³⁷John Allison Rickard, Brief Biographies of Brave Texans (Dallas: Banks, Upshaw and Company, 1962), 276.

³⁸Cotner, Biography, 68.

³⁹Allison Mayfield to Ima Hogg, May 23, 1921, Interview Folder, Hogg Collection.

1873, he was elected justice of the peace, precinct I. "The office itself was in a sense a legal education, developing to a keen point his sense of justice; it also brought him admiration from those who noted his determination to see that the law was enforced and that justice was rendered to all who entered his court."⁴⁰

In the election of 1878 Oran M. Roberts was elected governor of Texas; John Reagan was re-elected to the United States House of Representatives; and James Stephen Hogg was elected county attorney of Wood county, Texas.

When James Hogg campaigned for the office of county attorney, he was 27 years old, an impressively erect 6 feet 3, and weighed something over 200 firm and muscular pounds. As he towered on the speaker's platform he was a figure to hold attention even before he opened his mouth; when he started to speak attention deepened, because most of his listeners found that they were believing every word he said, as he paid them the compliment, unusual for the time, of discussing local issues with directness and reasoned logic. The ringing slogan on which he campaigned--'Enforce the Law'--quickly became his established trademark, but just as characteristic was the quick homespun wit with which he could answer hecklers who were part and parcel of the rough-and-tumble politics of the era.⁴¹

At the end of his term as county attorney in 1880, he was elected district attorney for the seventh judicial district. He incurred the ill will of the lawless element--individuals and corporations--and the respect of the upright citizens by his impartial enforcement of the law.⁴² "It was not long before the citizens of the state heard his forceful oratory and the issues which he championed

⁴⁰Cotner, Biography, 69.

⁴¹Ibid., 77.

⁴²Caldwell W. Raines, (ed.), Speeches and State Papers of James Stephen Hogg (Austin: State Publishing Company, 1905), 7.

in their behalf," and as a result he was elected attorney general in 1886.⁴³

As chief legal officer of the state, the attorney general was empowered by the constitution to inquire into charter rights of private corporations and, if necessary, to bring court action against any corporation to prevent abuse of power. After taking office, Attorney General Hogg brought suits against forty "wild cat" fire insurance companies, causing them to cease operations; against railroads forcing them to return their principal offices to the state in accordance with a recent law to that effect; against railroad companies, breaking up the Texas Traffic Association pooling combine, which stifled competition; against railroad companies in order to recover state land illegally granted for sidings and switches; and against railroad companies to attempt to halt the practice of "watering" stock.⁴⁴

Hogg's experience as a lawyer in private practice, county attorney, district attorney, and attorney general sharpened his forensic skills. This resulted in part from the quality of opposition provided by the large corporation lawyers. The cases which he tried as attorney general and the publicity arising from them caused widespread popular opposition to the abuses by the railroads. The suits

⁴³Albert Woldert, A History of Tyler and Smith County, Texas (San Antonio: The Naylor Company, 1948), 67.

⁴⁴Roberts, 281-282; and Ernest W. Winkler, "Progress and Reform," Frank W. Johnson's A History of Texas, Eugene C. Barker (ed.) (Chicago: The American Historical Society, 1914), Vol. I, 603.

"were regarded by the great body of the people as evidence of a vigorous effort on his part to protect their rights."⁴⁵

Sawnie Robertson, Horace Chilton, and other members of the "Tyler Gang" urged Hogg to enter the 1890 campaign for governor, but he was reluctant to campaign because of court suits that were pending and suggested that Robertson run.

Robertson insisted that, of the two of them, Hogg was much the more forceful stump speaker, and he reminded him of the loyal friends all over the state who were ready to form Hogg Clubs and to assist campaign manager Horace Chilton in raising funds. Hogg listened, but still maintained that he could not leave his work [as attorney general] to campaign until after the court sessions in April, when the railroad 'sidings and switches' test case would come up--which might be too late to begin a campaign. When they asserted that they would speak for him and carry on the organizational work until the latter part of April, . . . Hogg agreed to make the race.⁴⁶

James Stephen Hogg opened his campaign for governor of Texas in Rusk, Texas, April 19, 1890.

Basic Principles

Hogg's speaking throughout his career demonstrated his belief in three basic principles: (1) devotion to law and order, (2) faith in the wisdom and power of the people, and (3) devotion to the Democratic party.

Devotion to Law and Order

Hogg's speaking reflected a commitment to the enforcement of the law. This may have stemmed in part from the influence of his

⁴⁵Roberts, 282.

⁴⁶Cotner, Biography, 186.

father's feeling for law and order. In Wood county in the early 1870's a group of ex-soldiers was harassing the town. One of the townsmen challenged James Hogg that if he "possessed any of the traits of character which his father possessed he would join him in an effort to establish law and order and protect the women and children of the town."⁴⁷ Together they were successful in subduing the band. Later, after the desperados were released, in revenge one of them shot James Hogg in the back. This demonstrates the extent of Hogg's belief in this particular ideal.

As a small town editor, Hogg stressed the need for law and order. As he began to campaign for the elective posts which he held, the slogan, "Enforce the Law," continued to be his trade mark and persisted through his campaigns for attorney general and governor.⁴⁸

As attorney general he continued to demonstrate his emphasis for the need to enforce the law. The number of court cases against the insurance companies, the land holding companies, the drummers' association, and the railroad industry attest to this. "Whenever he found out that the law was being violated . . . he was going to see that the violators be brought to justice, because the Constitution made it his duty to do so."⁴⁹

This principle was evident in his speaking in the campaigns for governor. At Rusk he declared that "before I accepted the positions

⁴⁷Dallas Morning News, March 4, 1906.

⁴⁸Cotner, Biography, 77.

⁴⁹Dallas Morning News, May 28, 1892.

I have held I fully understood that my actions would be controlled by law."⁵⁰ Then in his conclusion he expressed his "fealty to the law. Neither sentiment, personal taste nor personal principles control my convictions in this respect."⁵¹ His emphasis on this theme was strong and undoubtedly in political circles enemies were made and misunderstandings occurred as a result; however, Hogg declared in Bryan in 1892, "I will continue to go up to the deadline when it comes to enforcing the law if it makes every man, woman and child in Texas mad."⁵² At Wills Point his final statement was "The people will rule Texas. Enforce the law."⁵³

Faith in the Wisdom and Power of the People

Because of the difficult struggles Hogg had in his early life, having been orphaned at age twelve and required to struggle for his education and livelihood, he never forgot the plight of the working people. He demonstrated faith in the people throughout his life. This principle appeared in his actions and in his oratory. He explained in his address at Rusk, "I have faith that the power of plain truth will carry conviction against the turbulent stream of prejudice over artful sophistries and establish sound doctrines in the minds and hearts of an independent, just and patriotic people. Let facts

⁵⁰Dallas Morning News, May 28, 1892.

⁵¹Ibid..

⁵²Dallas Morning News, July 1, 1892.

⁵³Dallas Morning News, April 22, 1892.

be stated, truths told, the law explained, a decent campaign made, and a correct verdict will be rendered."⁵⁴ Judge J. B. Tarlton said that the "secret of the power of Governor Hogg lay in his earnestness and sincerity, and his acute sympathy with the aspirations and needs of the people who recognized him as a friend."⁵⁵ "His hobby was fighting the battles of the Common Man."⁵⁶ Tarlton further noted that Hogg "always coupled his campaigns with contentions for the benefit of the masses, behind which contentions he seemed to seek to hide his personality, but in reality most effectively exhibited it."⁵⁷

Hogg's speeches indicate that he liked and trusted people. At Denison he began his speech by saying he always liked to get close to the people.⁵⁸ At Galveston while inviting the audience to move nearer the platform, he said, "There is a magnetism about you that I like. I love to have you close to me. Come right on."⁵⁹ He was accustomed to mixing with the people in hot or cold weather and enjoying it.⁶⁰ At Sherman he indicated that he trusted the wisdom and power of the people and would do what he could to carry out their

⁵⁴Dallas Morning News, April 19, 1890.

⁵⁵Kennedy, 159.

⁵⁶A. Garland Adair, Texas Governors (Dallas: Highland Historical Press, Inc., 1961), 26.

⁵⁷Kennedy, 159.

⁵⁸Dallas Morning News, April 26, 1892.

⁵⁹Dallas Morning News, May 15, 1892.

⁶⁰Dallas Morning News, June 15, 1892.

wishes. "I have spent many a weary hour and many a sleepless night . . . to carry out the people's will."⁶¹

Devotion to the Democratic Party

Hogg was a staunch Democrat. His loyalty to the party was a recurring theme in his oratory. By 1890 Texas was essentially a one party state, having been redeemed in 1873 with the election of Governor Coke. Probably influenced by his father who was an ardent Democrat, Hogg's youth was spent in the association of famous men of Texas history who were also Democrats. "Whistlin" Jackson, newspaper editor at Rusk and early employer of James Hogg, also influenced him in the Democratic principles of economy, tariff, and free coinage of silver. In his gubernatorial campaigns Hogg talked of his record, his steadfastness in the faith, his devotion to the party, and his obedience to all the party platforms.⁶²

Hogg's commitment to the party was demonstrated in a strict adherence to the Democratic platform. He considered it the only demand placed upon him. At Wills Point he stated, "In all respects I have obeyed the demands of the people expressed through their platform as they applied to my official duties. I carry the platform in my pocket and am never without it. It is well in these times of political agitation for all gentlemen owing obedience to our grand party to return to that document now and then and read it."⁶³ During

⁶¹Dallas Morning News, April 24, 1892.

⁶²Dallas Morning News, May 24, 1892.

⁶³Dallas Morning News, April 22, 1892.

his stump speeches he made frequent mention of the fact that he carried a copy of the platform in one pocket and the Constitution in the other.⁶⁴ The audience at Bryan was told that he had "slept with a copy of the 'Santone platform' for fifteen months," and the newsman reporting the speech indicated that the copy was getting rather worn.⁶⁵ Hogg gained some support during the Cameron debate when he forced Clark to admit that he did not vote for the amendment which had been endorsed by the Democratic platform. The Governor sarcastically remarked, "He violated the Democratic platform. You know he hated it."⁶⁶

These three principles, devotion to law and order, faith in the wisdom and power of the people, and devotion to the Democratic party, form the background for much of Hogg's speaking. He was not subtle in the expression of them, and they formed an essential element of his oratory.

Speech Preparation

James Hogg prepared all of his major speeches in much the same fashion. His method was to (1) gather the data, (2) arrange the data, and (3) write the speech. The procedure was followed in the two gubernatorial campaigns.

⁶⁴Dallas Morning News, May 5, 1892.

⁶⁵Dallas Morning News, July 2, 1892.

⁶⁶Dallas Morning News, May 5, 1892.

Research Techniques

While preparing his Rusk speech, Hogg wrote numerous letters to people across the state seeking information. An examination of his papers suggests that he sought the facts regarding each of the issues in his campaign. This letter-writing, fact-gathering technique was essential since his oratory was so dependent upon logical appeals in the early part of each campaign. Because railroad reform was his central issue and there were 52 railroads operating within the state, each keeping its own records, it was necessary for Hogg to obtain the needed information in this manner. Also, since railroad abuse was a prominent question, it was imperative that he obtain unbiased data, particularly the actual rates charged the shipper.

The letters were to the point, asking for specific information. For example, in his letter to A. M. Carter of Fort Worth, he requested "accurate information giving the comparative freight rates from and to Fort Worth on corn, wheat, flour, cotton and hay; and also the local and interstate rates showing discrimination in favor of foreign over local manufactured articles."⁶⁷ He requested similar information from Tyler, Dallas, Waco, Mineola, and other places.⁶⁸ In each case he asked that care be taken to insure the

⁶⁷James S. Hogg to A. M. Carter, Fort Worth, Texas, March 29, 1890, Attorney General's Letter Press, Archives, Austin, Texas.

⁶⁸James S. Hogg to George Todd, Jefferson, Texas, April 12, 1890; to George T. Bonner, Tyler, Texas, April 12, 1890; to Honorable R. B. Levy, Jr., Longview, Texas, April 12, 1890; to Henry G. Askew, Tyler, Texas, March 29, 1890; to B. B. Crane, Tyler, Texas, March 29, 1890; to A. C. Prendergast, Waco, Texas, March 29, 1890; to Sam H. Cox, Tyler, Texas, March 29, 1890; to Jot Gunther, Dallas, Texas, March 29, 1890; to J. D. Moody, Tyler, Texas, March 29, 1890; Attorney General's Letter Press, Archives, Austin, Texas.

accuracy of the data. He charged R. B. Kuhtman of Mineola to "prepare it so it will 'hold water,' as I shall want to use it."⁶⁹

As incumbent governor in 1892, he had access to the information from state agencies. Since the establishment of the Railroad Commission in June, 1891, their first charge was to gather data on the operation of every railroad in Texas which included financial and operational material. This data was also at the Governor's disposal.

Speech Writing

At the beginning of each campaign Hogg prepared an opening speech written in long hand or dictated to his secretary or stenographer. Several of his speeches in his own handwriting are in the Archives of the University of Texas Library in Austin. These initial speeches then formed his position on the issues in the campaign. The arguments were then committed to memory and became "common places" for reference in his later speeches.

These speeches were carefully edited by Hogg for clarity and were printed and circulated throughout the state. Pamphlets of the addresses were distributed; newspapers printed them in their entirety. His later speeches constituted a restatement of the initial ones--in 1890, his Rusk speech and in 1892, his Wills Point speech--with the exception of the Dallas speech, October 1, 1892, which initiated his campaign for election after his nomination.

⁶⁹James S. Hogg to R. B. Kuhtman, Mineola, Texas, March 19, 1890, Attorney General's Letter Press, Archives, Austin, Texas.

Delivery

Appearance

As James Hogg began his canvass for governor in 1890 his appearance was impressive. Standing six feet three inches tall, weighing over 250 pounds with a broad body frame, he was able to gain attention even before he spoke.⁷⁰ By this time his brown hair was beginning to thin and recede from the hair line; his full beard was beginning to gray framing his round face. His good natured personality was evident in his blue eyes that squinted from frequent laughter. Although he was described by the press as "weighty"⁷¹ and "bellycose,"[sic]⁷² he dressed well and presented a "handsome presence."⁷³

Hogg possessed a personality to match his stature. George Clark, his opponent in 1892, said he "was a rugged, stalwart individual with many good attributes and many bad ones. He had the power of dominating his followers that I have never seen excelled in any public man, and his influence was dominant and controlling in every measure."⁷⁴ Cotner, Hogg's biographer, cites an interview with Mrs. E. C. Dickinson who was present at one of the Hogg-Clark

⁷⁰Cotner, Biography, 77.

⁷¹Dallas Morning News, May 27, 1892.

⁷²Dallas Morning News, May 19, 1892.

⁷³Galveston Daily News, June 28, 1894.

⁷⁴George C. Clark, A Glance Backward (Houston: Rein & Sons Company, nd), 88.

debates; she concluded, "He was not afraid of anything. . . . Sometimes tall, big men have nothing to back up their size with, but Governor Hogg had a commanding presence and plenty of intellect and character with it."⁷⁵ Raines emphasized this by describing Hogg as "a striking individuality. He is undoubtedly eloquent. He has strong personal magnetism. His very appearance on the platform electrifies the whole audience with enthusiasm and the battle is half won before a word is spoken. As a stump speaker he, perhaps, has no equal in the state."⁷⁶

Voice

Hogg's daughter stated that he had no traces of regionalism in his pronunciation and maintained a flexibility and adaptability in his voice that contributed to his effectiveness. She further indicated that early in life Hogg was taught by McEachern how to use his voice "properly." He had a resonant baritone voice, was taught to sight read shaped musical notes, and enjoyed singing.⁷⁷ He had a strong voice. In 1882 he had his first opportunity to appear as a delegate before the Democratic state convention and in a clear voice could be heard by all.⁷⁸ When he delivered his acceptance speech after receiving the nomination for attorney general,

⁷⁵Cotner, Biography, 290.

⁷⁶Raines, Speeches, 8.

⁷⁷Miss Ima Hogg, a telephone interview, July 11, 1974.

⁷⁸Galveston Daily News, July 19, 1882.

"all could hear the nominee."⁷⁹ Most of his campaign speeches were delivered outdoors and rarely was he difficult to hear. At Rusk, April 19, 1890, as he began his campaign for governor, over 3,000 people were gathered in a grove to hear him speak. "People had to strain to catch the remarks of the introductory speakers, but Jim Hogg's strong, clear voice carried to the most distant."⁸⁰ In his inaugural address in 1891 his voice was described as "firm."⁸¹ At the Hogg-Clark debate at Cleburne in 1892, part of the grandstand, which had been hastily built to accommodate the large crowd, collapsed. "Governor Hogg's presence of mind and strong voice helped greatly to restore order and calm."⁸² To those who had to move and feared they could no longer hear, Hogg remarked that he could talk loud enough for them to hear him 800 yards away.⁸³ He then proceeded with his speech in what the Fort Worth Gazette called "his stentorian voice."⁸⁴

Another example of his personal magnetism and vocal impact occurred after he left public life. At the Democratic state convention in Waco,

he was battling for his amendments to the Constitution, involving the anti-free pass and forbidding the use of corporate funds for political purposes or maintaining a lobby at Austin, he was opposed by the most violent and turbulent opposition that ever a patriot or statesman encountered. When the committee finally

⁷⁹Galveston News, August 13, 1886.

⁸⁰Galveston News, April 20, 1890.

⁸¹Cotner, Biography, 220.

⁸²Ibid., 291.

⁸³Young-Bailey Letter.

⁸⁴Fort Worth Gazette, May 5, 1892.

reported, after being out a whole day, the majority was silent on the amendments, while the minority advocated them. He arose before that body, which was howling, screeching and yelling at him until he could not be heard.

Calmly he stood before them. . . . He regarded the seething mass fearlessly and dauntlessly, . . . until they quieted down and his voice could be heard. His combined manhood and eloquence procured the adoption of the minority report.⁸⁵

Method of Delivery

When Hogg spoke he liked to have the people close to him and on numerous occasions he invited his audience to move nearer the platform. He thoroughly enjoyed getting before the people and talking about his programs. He disliked speaker's stands or anything that would get between him and the people.

Hogg made advantageous use of his size through his comments and his good humor, and it did not detract from his active movement, gestures, or animation on the platform. On several occasions he would actually mimic and pantomime such people as Sam Houston and George Clark.

He delivered his speeches extemporaneously; but when he needed some fact or date he was not sure of, he would refer to his small pocket ledger book which contained pertinent facts, figures, dates, and shipping rates that he needed from time to time. It also contained the names of people at different stops in the campaign who might serve his purpose.

⁸⁵Dallas Morning News, March 5, 1906.

Summary

James Stephen Hogg was born into a family where public service was a way of life. Early he recognized the need for oratorical skills. Hogg acquired these skills on a limited basis in formal instruction; nevertheless, he continued on his own to polish and improve. The influence of the important men in Texas, various teachers and associates, and his journalistic experiences prepared him for a life of public service. He was successful in his campaigns for the office of governor of Texas in 1890 and 1892. The role that his oratorical ability had in those elections is assessed in this study.

CHAPTER IV

AUDIENCES AND OCCASIONS

Audience 1890

In order to understand the audiences to whom Hogg spoke, it is necessary to analyze the social and political factors affecting the Texas voters.

Social Factors

The religion and education of the Texas voter were two social factors which affected Hogg's campaign strategy. Early Texas schools were local private institutions and were often dependent upon the wealth of the community. The Texas public school system was established and the permanent school fund set up by the fifth legislature, January 31, 1854. This system developed slowly because of the interruption by the Civil War and the Reconstruction Period. With a state population of 818,579 in 1870, there was a school population of 229,568 or approximately 28%. Twenty years later 545,616 children between the ages of 8 and 16 attended public schools with a state expenditure of \$2,182,464 for education.¹ This indicates that approximately 25% of the state's population was enrolled

¹Texas Almanac, 1969, 584.

in public education. It may be concluded that the majority of Texas voters in 1890 had at least a basic education; however, the concept of education was growing. People wanted a better education for their children than they had received.

Higher education was still in its infancy in the state. The farmers' colleges, Texas Agricultural and Mechanical College for white students and Prairie View Agricultural and Mechanical College for black students, were established in 1876. Texas A&M had an enrollment of 272 in 1890,² and Prairie View A&M had 180.³ The University of Texas located in Austin was established in 1883, and for its 1890 school year had an enrollment of 204.⁴ Private universities and colleges were established by religious groups. The oldest of these were Baylor University in Waco established by the Baptist Church and Southwestern University in Georgetown established by the Methodist Church.⁵

One of the most important social forces in postwar Texas was the emergence of the churches. The Presbyterian, Episcopalian, Lutheran, and Roman Catholic churches were mostly confined to the towns; but the Methodists and the rapidly growing Baptist church had a greater influence in the rural areas. Five hundred Baptist

²J. J. Lane, "History of the Educational System of Texas," A Comprehensive History of Texas, 1685 to 1897, Dudley G. Wooten (ed.), 460

³Ibid., 463.

⁴Ibid., 450.

⁵Ibid., 469.

congregations existed in 1860⁶ and by 1894 this number had grown to 3,881 congregations. The eleven religious denominations listed in 1894 had a combined church membership of 694,370.⁷

The rural areas seldom had church buildings or full-time ministers; they were served by circuit preachers and camp gatherings.

Church meetings were as much social as ideological. They were held in open groves or brush arbors. Here families came from miles around, dressed in Sunday best. They included suppers, bazaars, and basket parties; they lasted all day, with religious services in the morning and at night. There were two-hour sermons, delivered by circuit riders or local laymen; men and women listened from separate benches. Here women and girls, starved for companionship of their own kind, could grasp at news and gossip, and men discussed crops, common problems, and politics. This meeting was the only place large numbers of people ever assembled regularly on the harsh frontier. The enormous, socializing, tribal effect on thought and custom is easily understood. What was discussed, and thundered from the crude pulpits, set the moral standard and much of the thinking of farming Texans across the whole frontier.⁸

The Texas farmers lived in dread of the acts of God--rain, drouth, and insects. Their religion taught them to survive and to endure.

Another significant social factor was the diversity of ethnic groups. The racial breakdown of the population showed 63% of the people were native born whites; blacks had decreased in number from 30% of the total population in 1860 to 22% in 1890. Foreign born residents and those native born of foreign parents comprised 15% of the population.⁹ In this group was included 125,262 German imigrants

⁶Fehrenbach, 599.

⁷Wooten, 818.

⁸Fehrenbach, 600.

⁹Roscoe Coleman Martin, The People's Party in Texas (Austin: University of Texas Press, 1933), 89.

plus those of Mexican origin.¹⁰ The percentage of black voters in Texas was considerably less than in other southern states, and disfranchisement had not yet become a reality by 1890; nevertheless Negro voters represented a block of votes to be carefully considered by any candidate. The large number of Mexican and German voters was also a factor to be considered in Texas politics in 1890 and 1892.

Political Factors

The voters in 1890 were faced with two decisions: (1) they had to accept or reject an amendment to the Texas Constitution empowering the legislature to create a railroad commission and (2) if the amendment passed, the electorate, by its choice of governor, would decide the type of commission to be established. The candidates defended three positions regarding a commission. Hogg advocated a plenary or strong rate making commission. His opposition favored on one hand, a limited or advisory commission, and on the other, rejection of the amendment and the commission idea.

Land Commissioner Richard Hall entered the race advocating a limited commission. He expected strong support from the northern panhandle portion of the state. Since he was more anti-Hogg than pro-railroad, he did not get the support of the railroad faction, he withdrew before the convention.¹¹

¹⁰Terry G. Jordan, German Seed in Texas Soil (Austin: University of Texas Press, 1966), 57.

¹¹Cotner, Biography, 201.

Lieutenant Governor Thomas Benton Wheeler was ten years older than Hogg, a Confederate veteran, and former mayor of Austin. He had also served as district judge in Breckenridge for six years before becoming lieutenant governor. According to his biographer, "He was a striking figure, tall and slender, with the goatee and handle-bar mustache that constituted the fashionable symbol of the Southern colonel."¹² In an effort to gain popular support he advocated passage of the amendment and the creation of a commission, but not a plenary one.

James Throckmorton, a United States congressman and former governor known throughout the state as "Old Leathercoat," favored limited regulation and was supported by the railroad interests and George Clark. In a speech at Honey Grove he said, "The printing and binding of textbooks can be done by the state."¹³ Obviously an attempt to get Alliance votes, he was proposing a step toward socialism which the voters would not accept, a major blunder. He withdrew from the race, giving ill health as his reason.

After Throckmorton's withdrawal the Galveston Daily News urged George Clark to "keep alive the Democratic faith" and work to defeat Hogg, whom they termed "the tyrant" and the "Lucifer" in the railroad's Eden.¹⁴ Clark refused to run but did organize anti-Hogg clubs which he called "Clark Business Clubs." The major strategy employed was bloody-shirt oratory.

¹²Ibid., 189.

¹³Dallas Morning News, April 26, 1890.

¹⁴Galveston Daily News, May 1, 1890.

The Clark forces persuaded Judge Gustave Cook of Houston to replace Throckmorton. A Confederate colonel who had lost his leg in the war, he was the final effort by the Clark forces to stop Hogg. As characterized by his biographer, "Cook was an earnest, eloquent, anti-prohibitionist, but never took a drink. He swore and was perfectly unconscious that he was doing so yet he believed profoundly in the fundamentals of the Christian faith, and was able to defend it with persuasive logic and thrilling eloquence."¹⁵ In his opening speech at Kyle, Hays county, in June of 1890, Cook chastised Hogg for reviewing his accomplishments: "I can only imagine how exuberant must be the joy one feels when he can recite . . . a series of victories over 'the world, the flesh and the devil' and part and smack his lips over what appears to him to be an easier task than falling off a log, viz: running the state government of Texas. . . . For me the exercise of the mighty powers entrusted to my keeping by the people carries with it such a sense of responsibility to myself, my country and my God that I tremble at the contemplation."¹⁶ Cook's allusion to "trembling" at the task came back to haunt him and many felt he was not strong enough to be the governor.¹⁷

The bloody-shirt oratory also hurt the Clark forces, because the Hogg family had been well known as staunch supports of the Confederacy. Many of the young Democratic leaders were, like James Hogg,

¹⁵Norman G. Kittrell, Governors Who Have Been and Other Public Men of Texas (Houston: Dealy-Adey-Elgin Company, 1921), 106.

¹⁶Galveston Daily News, June 6, 1890.

¹⁷Cotner, Biography, 204.

too young to have served in the war. Such older men as Frank Lubbock and A. W. Terrell resented Clark's tactics.¹⁸ Cook's name was submitted to the convention; however, when he failed to be supported by his own Harris county, he withdrew.

Although people from all economic levels, all businesses, all vocations, all ethnic and religious backgrounds made up Hogg's audiences when he stumped the state in 1890, the majority of his listeners were agriculturally oriented, educated to a modest degree, fundamentalists in religion, and politically conservative.

Audience 1892

During Governor Hogg's first term little change was evident in the social conditions of the state; however, several political events transpired that were to have a significant impact on his 1892 audiences: (1) the railroad commission bill's passage by the legislature and the Commission's creation, (2) the injunction temporarily restraining the work of the Railroad Commission, (3) the Democratic convention, and (4) the heated opposition by the press to Hogg and his policies.

Texas Railroad Commission

When James Hogg was inaugurated governor, he had a mandate from the people of Texas by the overwhelming vote favoring an amendment to Section 2, Article X of the 1876 Texas Constitution. The Article with the amendment underlined read as follows:

¹⁸Cotner, Biography, 202.

Railroads heretofore constructed, or that may be hereafter constructed in this State, are hereby declared to be public highways, and railroad companies common carriers. The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws with adequate penalties; and to the further accomplishment of these objects and purposes may provide and establish all requisite means and agencies, invested with such powers as may be deemed adequate and advisable.¹⁹

On the third day of the regular session of the legislature in 1891, J. M. Melson introduced a bill in the House providing for the creation of a commission. Several other commission bills were introduced including those by Cone Johnson, Hiram Garwood, and others.²⁰ The House and the Senate passed bills that had little in common. The fight was over the power the commission should have and whether its members should be appointed or elected.²¹ A joint sub-committee was appointed and reported a bill to the House and Senate, a watered down version of what the staunch supporters of the commission wanted.

Martin M. Crane, the lieutenant governor, described the events that followed.

Governor Hogg turned to me in his brusque way and wanted to know if I had read this substitute commission bill. I answered in the affirmative. He asked me how I liked it. I told him I did not like it. He replied he did not like it at all and that 'he could drive a coach and four through the middle of it. . . . by gatlins, I will take a hand in this matter from this time on myself.' . . . He called several meetings with

¹⁹Gammel, Vol. IX, 1199.

²⁰Bailey Papers, 274.

²¹Kennedy, 127-128.

Judge Simpkins, A. W. Terrell, Judge Brown, and myself. . . .
 We took as a guide the several opinions of the Supreme Court
 in the case of Railway Company vs. State of Minnesota. . . .
 The actual phraseology of the bill was mostly that of Governor
 Hogg.²²

The bill was passed and the Texas Railroad Commission was established in June, 1891.

Governor Hogg appointed John Reagan chairman of the commission; he had been persuaded to resign his United States Senate seat to accept the post. L. L. Foster, former commissioner of insurance, statistics, and history, former head of the state department of agriculture, and a man very knowledgeable concerning railroad affairs; and William P. McLean, a lawyer, Confederate veteran, former congressman and judge, made up the remainder of the Commission.

Railroad Commission Court Case

In an effort to block the operation of the Railroad Commission, six suits were brought simultaneously before Judge Andrew P. McCormick in United States District Court in Dallas, July 20, 1892. These suits questioned the validity of the Commission and charged that the rates set were confiscatory. Brought by railroad companies or their creditors against John Reagan and the Commission, these constituted test cases. After hearing testimony on both sides for ten days, Judge McCormick said the case would not be decided hurriedly.²³ In his decision, delivered August 22, the judge enjoined the Texas Railroad

²²Letter from Martin M. Crane to George Bailey, July 23, 1923, Bailey Papers, 276-277.

²³Dallas Morning News, July 31, 1892.

Commission from setting rates. This action effectively curtailed the work of the Commission. The judge was criticized for delaying the decision until after the Democratic state convention and for mentioning Governor Hogg as a reason for his decision, thus involving the judiciary in politics.²⁴

Attorney General Culberson immediately appealed this ruling. The case, John H. Reagan et. al. vs. The Farmers' Loan and Trust Company et. al., argued before the United States Supreme Court April 2-5, 1894, questioned the constitutionality of the railroad commission law. In delivering the Court's unanimous decision, May 26, 1894, Justice Brewer stated:

There can be no doubt of the general power of a state to regulate the fares and freights which may be charged and received by railroad and other carriers, and that this regulation can be carried on by means of a commission. Such a commission is merely an administrative board created by the state as expressed by its legislation. . . . No valid objection, therefore, can be made on account of the general features of this act; those by which the state has created the railroad commission and entrusted it with the duty of prescribing rates and fares and freights as well as other regulations for the management of the railroads of the state.²⁵

In this decision the Court declared the Texas railroad commission law constitutional; however, it ruled that the rates already set were too low for the railway companies to function and must, therefore, be increased. The twenty-one months that the injunction was in force provided time for the Commission to work on the

²⁴Dallas Morning News, August 23, 1892.

²⁵John H. Reagan vs. Farmers' Loan and Trust Company (154 US 394).

monumental task of gathering the data necessary for determining rates equitable to the railroad industry and the people of Texas.

The State Democratic Convention

Even before the Democratic state convention in Houston, August 16, a party split was rumored. The Dallas News stated on the eve of the convention that, "The crisis is near, the great culmination of one of the most active and most exciting campaigns in the political history of Texas is at hand."²⁶ No hall was large enough to accommodate the people; therefore, the convention was held in a building constructed to house street-cars, thus giving rise to the name "car barn" or "car stable" convention. Shortly after the body was called to order by Web Finley, Chairman of the Executive Committee, and began the duty of electing a temporary chairman by the traditional method of a roll call vote of the delegates, the Clark forces objected and demanded a voice vote. The demand grew out of their strategy to split the votes in their county delegations into half votes allowing more men into the assembly in order to win a voice vote.

When their objection to the roll call vote was declined, there developed a confrontation, described by an eye witness, former Governor Roberts, as follows:

an inconceivable uproar, men standing on chairs, waving hats and canes, cursing and swearing, reviling the chairman and each other, and engaging in a scene of tumultuous violence and riotous disorder beyond description. The roll-call

²⁶Dallas Morning News, August 14, 1892.

proceeded and Mr. Shepard [a Hogg delegate] was declared temporary chairman. In the meanwhile the other faction had put the election of Mr. Lane [a Clark delegate] to a viva voce vote and declared him elected. There were indications of a struggle for the possession of the speaker's stand, and in the excited condition of the delegates serious violence was only averted by the presence of mind and firmness of a few men.²⁷

Prior to the 9 p.m. general assembly, a fence was erected closing off the open side of the car barn and providing a means of checking credentials. "The Clark faction appeared at the convention hall promptly at 9 o'clock. . . . The Hogg sergeant-at-arms assisted by the city marshall and several policemen was holding the entrances and denied admission to all who did not have the regular badges issued by the Democratic State Executive Committee."²⁸ Earlier in the day the Clark caucus had voted to refuse to wear "any badges of servitude" or, as one delegate called them, "marks of slavery."²⁹ Since they had destroyed their badges, they were denied access to the convention hall and retreated to Turner Hall where, on the following day, George Clark was nominated by the group calling themselves the Jefferson Democrats.

The Democratic party, or the "car barn" convention, nominated James Hogg and indicated in its platform that the party would "pledge fealty to and support of the Texas Railroad Commission law as it now exists, subject only to such changes as may become necessary to accomplish for it a greater degree of perfection. We favor an appointive commission, until the Constitution shall be so changed as to permit

²⁷Roberts, 298.

²⁸Dallas Morning News, August 17, 1892.

²⁹Ibid.

the election of one of the commissioners every two years, and making their tenure of office six years."³⁰

Not all of Judge Clark's followers favored the "bolt." Some chose to remain within the party. The Houston Post and the Austin Statesman, Democratic papers, indicated their disapproval of the split; however, they supported the nominee of the party, James Hogg. The Post emphasized that it was a Democratic newspaper, not a Hogg paper.³¹ Either way its support was welcomed by the Governor.

Opposition

Within one year after James Hogg took the oath of office in 1891, his railroad regulation and reform laws gave rise to formidable opposition from within the Democratic party, from the agrarian groups, and from the press.

Democratic Party Opposition

The opposition to Hogg from within the Democratic party was primarily the result of the issue of whether the commissioners should be appointed or elected. In 1890 Hogg had campaigned on a platform that they should be appointed by the governor. The issue arose again during the legislative debate on the passage of the bill. After the establishment of the Commission and the appointment of its members by Governor Hogg according to the terms of the law, the opposition

³⁰Roberts, 303.

³¹Houston Post, September 11, 1892.

was continued ably by George Clark of Waco. He was supported by many who had supported the Governor in the previous campaign. "By the solicitations of a number of gentlemen entertaining such views of opposition, Clark was induced to enter the field as a democratic candidate for governor, who promptly took issue with Governor Hogg upon many, if not most of the prominent measures of his administration relating to railroads."³² This opposition eventually culminated in a split in the party at the state convention in Houston.

Agrarian Opposition

The Grange and the Alliance had supported Hogg in 1890 and were instrumental in his election; however, within one year this support was eroded to such an extent that the leaders of the party were justifiably concerned. The initial conflict evolved over the sub-treasury question when Hogg refused its inclusion in the Democratic platform in San Antonio. The refusal troubled the radical Alliance leaders who desired the sub-treasury plank in exchange for their support. When the plank was not included, the Alliance felt that they had been misled. In a letter to Hogg, Reagan stated "the sub-treasury bill is a dangerous question. . . . They ought to throw Macune and his set overboard. If he is not being paid to try to break up the Democratic Party he is doing that work as effectively as if he was; and for the good of the country he ought to be squelched."³³

³²Roberts, 297.

³³Letter from John Reagan to James Hogg, November 16, 1890, Attorney General's Letters Received, 241-242.

The second significant clash resulted from Hogg's failure to appoint an Alliance man to the Commission. Thomas L. Nugent wanted an influential landowner from Erath County, A. L. Murphy, appointed. The disappointment came to a head when Hogg refused to accept a "demand" from the executive committee of the Alliance to appoint S. D. A. Duncan of Dallas. Governor Hogg received a resolution from the Alliance stating, "To his excellency, Governor James S. Hogg, we of the Farmers' Alliance of the state of Texas in conference assembled demand of you the appointment of a true and tried Alliance man as one of the railroad commissioners and we do hereby recommend S. D. A. Duncan as a competent and reliable person for said position."³⁴ Governor Hogg notified the Austin Statesman that he had appointed Senator Reagan in lieu of Duncan. He later explained to Representative R. S. Kimbrough that "I am not obeying demands these days, except when they come through the formal method of Democratic platforms."³⁵ This action was to give him a great deal of trouble when he spoke in the Alliance territories in 1892. When asked in Corsicana why he had not put an Alliance man on the Commission, the Governor replied that he did not want to.³⁶ Duncan, in a letter to the Dallas Morning News, replied that out of 180 appointments the Alliance got none, that the farmers were not represented, and that Hogg had stated the Alliance was getting "too big for its breeches." Duncan further stated, "I

³⁴Austin Statesman, April 25, 1891.

³⁵Letter from James Hogg to R. S. Kimbrough, April 30, 1891, Governor's Letter Press, 301.

³⁶Dallas Morning News, April 30, 1892.

have tried to keep out of this fight, but while I am only a farmer, Jim Hogg, dictator as he is, cannot insult the Alliance over my shoulders. I never expected him to appoint me or any other Alliance man or farmer on the Commission and in candor I cannot see how any farmer can support Hogg for governor or for any other office, and especially a man who is an Alliance man, for the reason that he never would have been governor had it not been for the order which he delights to slap in the face, and he now in his canvass throws slush at."³⁷ Actually, John Reagan was a farmer, a land owner, and a member of the Grange, but the Duncan incident haunted Hogg through the campaign, especially in the strong Alliance counties.

Besides the sub-treasury and Duncan controversies, the Alliance opposed Hogg for his appointment of John Reagan. A number of leaders were gaining support for the establishment of a third political party in Texas, and they were forcing the Democratic party to take a stand on Alliance issues. In the bitter mood brought on by drought, depression, and the long decline in farm prices, large numbers of the Alliance in Texas and the South in general began to question the ability of the Democratic party to resolve their problems. In 1889 Texas cotton production was four times what it was in 1860, and by 1892 the price had declined to 7 cents a pound.³⁸ The party had to make a choice as to how to deal with the disgruntled farmer and the third party member.

³⁷Dallas Morning News, May 1, 1892.

³⁸Texas Almanac and Industrial Guide, 1952-1953 (Dallas: Belo Corporation, 1952), 190.

When a number of Alliance leaders prepared to go to a meeting at Ocala, Florida, in December of 1890, Reagan urged them not to attend, insisting that redress for their problems rested upon their staying within the Democratic party. C. W. Macune also was opposed to the meeting and reasoned that the Alliance could gain little by affiliating with a third party. Reagan warned them not to do anything which "would prevent the members of the Alliance from cooperating with the democracy in the future."³⁹ Macune did attend the meeting and aided by Texas members, Judge Thomas L. Nugent and Evans Jones, was able to prevent the Alliance from entering politics at that time; however, the radical leaders who favored a third party never forgot that Reagan opposed them and in 1892 were instrumental in fielding a third party candidate.

The political question split the Alliance throughout the state. The conservatives maintained that reform was possible within the existing parties. The radicals believed that only a new party could solve their problems. Hogg's biographer, Cotner, concludes that the rank and file did not make up their minds, for the old ties were hard to break. He further contends that Hogg was aware of this factor and found it to be a heavy burden upon his strategy.⁴⁰ The question the Governor had to deal with was how to keep the Alliance men in the party.

³⁹Letter from John H. Reagan to James S. Hogg, November 16, 1890.

⁴⁰Cotner, Biography, 259-262.

Newspaper Opposition

In his historical account of the period, Oran Roberts stated that the newspapers across the state became involved in the struggle and week after week furnished the people with current speeches and took sides in the contest often with vigor.⁴¹ Governor Hogg felt that the seven major daily newspapers--the Dallas Morning News, the Dallas Times-Herald, the Galveston Daily News, the Fort Worth Gazette, the San Antonio Express, the Austin Statesman, and the Houston Post--were opposed to his candidacy. At Waxahachie he attacked the press saying, "There are seven morning papers in the state and they are all against me. They shoot seven times a week and are loaded at both ends. It would require all my time and two stenographers to answer what they charge me with."⁴²

The major cause of the opposition was the Railroad Commission. Some of the conflict developed from philosophical grounds, but essentially the main issue was economics. The vast power that the railroad industry and other large corporations were able to wield brought financial pressures on papers that otherwise might have lent Hogg their support. The rural papers did not feel this type of pressure and in the main were for the Governor and his policies.

The Fort Worth Gazette, edited by W. L. Malone, a longtime friend of Hogg, was forced to change its policy because of pressure

⁴¹Roberts, 301.

⁴²Dallas Morning News, June 15, 1892.

brought to bear by one of the paper's directors, Mayor Bockley B. Paddock, lawyer, banker, and railroad promoter. Fort Worth had just built the stock yards and was rapidly becoming a major cattle shipping center. Hogg told Malone not to jeopardize his own future on his account. The Gazette denounced neither Hogg nor Clark. An editorial noted, "We have frankly said that we do not look at the administration of Governor Hogg with the eyes of his Waco critic. He is not to be charged with the fact that cotton has brought but five cents a pound or that real estate has depreciated in value. These things would have existed under any governor."⁴³ The paper went on to explain that it was for peace and order while Hogg and his "reformers" were causing warring factions within a peaceful people, and that he was too closely aligned to the third party philosophy. This third party issue was a problem the Governor had to contend with throughout the campaign.

The Dallas Times-Herald, published by C. E. Gilbert, had supported Hogg since its founding in 1888, but when its editorial policy produced financial difficulties in the form of advertising cuts, subscriber and revenue declines, the paper was forced to reorganize in order to survive. After reorganization, it no longer supported Hogg.⁴⁴

The opposition by the press made Governor Hogg's personal appearances essential. In introducing the Governor at Gonzales early

⁴³Fort Worth Gazette, April 29, 1892.

⁴⁴Cotner, Biography, 305.

in the canvas, Everett Lewis said, "In no other way save on the rostrum can the Governor reach the honest and liberty-loving people of Texas. The seven daily papers of the state are serving the opposition with unparalleled unanimity."⁴⁵

During the entire canvass the Houston Post declared that it would be bound by the decision of the party and would support its nominee. One of its editorials said, "It is free to say, however, that the combination of 'calamity howlers,' in and out of the State, formed and designed for political purposes, have done a thousand times more harm to Texas than was ever done by Governor Hogg."⁴⁶ The early policy of the Post was to persuade someone other than Hogg or Clark to enter the race, bring peace and unity to the party, and make certain the Populists did not gain control. The paper was opposed to Clark because of his closeness with Jay Gould. E. P. Hill, attorney for the Southern Pacific, a Huntington line, and vice president of the Post, was convinced that Hogg's advocacy of railroad regulation was not made in a vindictive spirit and believed that the railroad interests could actually be benefitted by cooperating with the Commission. He believed Hogg should be allowed to prove himself. At great risk to his own future Hill argued his point and won.⁴⁷ Therefore, during the last part of the campaign, the Houston Post became Hogg's much needed ally. The Austin Statesman, a Democratic organ, also backed the Governor after his nomination.

⁴⁵Dallas Morning News, June 26, 1892.

⁴⁶Houston Post, September 2, 1892.

⁴⁷Cotner, Biography, 304.

The Belo combine of the Galveston Daily News and the Dallas Morning News, whom Hogg called the "double ended whizzing boss anathematizer,"⁴⁸ opposed him from the beginning. They printed such filler statements as "A Texan that can endure Hoggism can endure anything"⁴⁹ and "The man with his fingers in his ears is for Hogg."⁵⁰

The Dallas News was the only major paper to assign a reporter to travel with the Governor during the campaign and to report on his speeches. This gave Hogg vast amounts of publicity in most editions between the time of the Wills Point address and his election. In fact Hogg claimed there "had not been a copy of the Dallas News printed within the past six years without his name being in it."⁵¹

Apparently receiving some criticism for publishing the Governor's speeches and giving him so much space, the paper defended its policy by arguing that the publication had a right to print the news and Hogg's speeches were news, even if the paper did oppose him. "It is the quality of The News to be fair," the editor observed, and "notwithstanding the profound interest it feels in the defeat of Governor Hogg because of the disastrous principles he represents, as long as he is before the public in a legitimate discussion of state measures The News will faithfully report what he has to say."⁵²

⁴⁸Dallas Morning News, May 24, 1892.

⁴⁹Dallas Morning News, October 21, 1892.

⁵⁰Dallas Morning News, November 3, 1892.

⁵¹Dallas Morning News, May 20, 1892.

⁵²Dallas Morning News, May 6, 1892.

In 1890 James Hogg had enjoyed the support of the agrarian papers, the Southern Mercury and the Texas Farmer. However, the method of selecting the commissioners and the rebuff of the Alliance in choosing Reagan rather than Duncan as a commissioner caused the Alliance's Southern Mercury to oppose him in 1892. Granger W. A. Shaw, publisher of the Texas Farmer, also felt slighted because he was not chosen as a commissioner in payment for his support; yet faced with continued endorsement by many of the old Grangers and the threat to the Commission, he forgot his personal feelings and gave the Governor perhaps the strongest support received in print during the long 1892 battle.

While it is true that many of the leading daily papers openly opposed the re-election of Governor Hogg and others simply failed to give him the support they previously had, he certainly did not lack for attention by the fourth estate. It is possible that outright opposition was an important factor which forced him to plead his cause directly before the people.

Candidates

There were significant differences between the campaigns of 1890 and 1892. In the earlier campaign the opposition to Hogg had virtually become non-existent by the time of the convention. In 1892, he was faced with two worthy campaigners who challenged him even to the day of the election. He was confronted at first with the possibility of a split in the Democratic party. The young and vigorous third party campaign drew votes from the Democratic party.

George Clark

Ten years the senior of Governor Hogg, George Clark had already made an impact on the state and was well known when Hogg was a law student and a struggling newspaperman. Clark was raised and educated in Alabama, reached the rank of lieutenant colonel in the Confederate army, and was admitted to the bar immediately after the war. He moved to Weatherford, Texas, in 1867 and opened his law practice. In 1868 he moved to Waco, his home for the remainder of his life. His law practice prospered, and Clark was instrumental in convincing Coke to run for governor and redeem Texas from the radical Republican rule. It was in the spring of 1872 that Clark first met Hogg, then editor of the Quitman News. They met many times thereafter and developed a sincere admiration for each other. With the election of Governor Coke in 1873, Clark served first as secretary of state and then as attorney general. A short time after his resignation from that post in 1876, Clark became a member of the commission to revise the statute laws of Texas, a task which required more than two years to complete. Governor Roberts appointed him to the Court of Appeals in 1880. During the fight to defeat the prohibition amendment while Hogg was attorney general, the two men were colleagues.

Hogg's uncle who was killed in the battle of Richmond was one of Clark's close friends. It was this memory of a fallen friend that first drew Clark to Hogg, and though their politics differed, their respect for each other continued.

Clark discussed his decision to run for governor in his privately printed autobiography.

In the year 1892, the movement was begun by those opposed to the Governor's policies to inaugurate a campaign in opposition to his re-election. The meeting was called in Dallas, in January I believe. I attended. There were no railroad influences, no railroad men, or no railroad money. It was a meeting of the Democrats of Texas who were opposed to the policies and measures of the Governor and were influenced in no manner by any sinister purpose. It was the opinion of the meeting that I should become a candidate for governor. I insisted that some one else should be chosen and declined to make the race until I had due time for reflection and communication with others. Letters began to pour in to me at Waco urging me to run for the office and pledging me their support. After due consideration in about two weeks I began the canvas [sic] .⁵³

Clark made much of the idea that he was not influenced by railroad men since this charge was made against him by Hogg during the campaign. However, it was known that his law firm was general counsel for at least one railroad system, local counsel for several others, and counsel for many of the larger corporations, domestic and foreign, doing business in the state.⁵⁴ Such connections never fail to impress the public mind when a lawyer seeks the favor of the electorate.

Weatherford was chosen as the site for the opening of Clark's canvass. Since his campaign began February 27, 1892, he had a clear field for several weeks because the special session of the legislature required Hogg's presence in Austin. There were two reasons for the choice of Weatherford: (1) it was the heart of the Alliance and Populist region and (2) it was where he had first practiced law in Texas in 1867. Clark always wore his gray Confederate hat when he

⁵³Clark, 89.

⁵⁴Bailey Papers, 442-443.

spoke as a reminder to the people of his experiences in the war.⁵⁵ In a speech more than two hours in length, he used a number of war stories depicting how a blunder was disastrous to the outcome of a battle. He then drew a comparison with the state and blamed the blunders of Hogg for the economic depression. Reasoning that the Governor was holding the state back, Clark adopted the slogan "Turn Texas Loose," a plea to allow business to return and the state to grow.⁵⁶

Clark began a feverish tour of the state in order to cover as much ground as possible while the legislature was in special session, and he counted on his supporters in Austin to block Hogg's proposals thus strengthening his own position. He belittled Hogg's knowledge of business, "making himself more popular in the cities and encouraging the image many city dwellers had of Jim Hogg as a rustic from the 'Piney Woods' of East Texas."⁵⁷ As was true with Hogg, Clark used his initial speech again and again throughout the campaign.⁵⁸

The essential difference between Clark and Hogg was whether the commissioners should be elected or appointed. Many citizens believed Clark and his supporters wanted them elected in order to weaken the Commission; and if commissioners could be elected who supported the railroad view, the original purpose of the Commission

⁵⁵Cotner, Biography, 274; and St. Clair, 40.

⁵⁶Dallas Morning News, February 28, 1892.

⁵⁷Cotner, Biography, 282.

⁵⁸Houston Post, September 2, 1892.

would be circumvented. This issue was clearly stated in plank 2 of the Turner Hall platform.

We therefore oppose all sumptuary laws, which vex the citizen and interfere with his individual liberty. We believe that the world is governed too much, and that the least government which may suffice for the protection of the citizen is the best government. . . . We are opposed to any and all forms of 'one-man power,' and have an abiding faith in the capacity of the people for governing themselves. . . . We favor the election of all officers by the people themselves. Especially do we demand the right to elect our railroad commissioners, in order that such agency shall cease to be dominated by personal and political effect, and that it may impartially determine controversies between railroads and citizens in such manner as may be prescribed by law. Railroad corporations and all other corporations, being creatures of law, are subject to State regulation and control, and we favor the continuance of the present method of railway regulation, by means of a commission clothed with such constitutional powers as may be requisite for the protection of the people against injustice or extortion; but we are opposed to taking of private property for public use without just compensation.⁵⁹

Thomas L. Nugent

The third party movement was growing in numbers as a result of large defections from the Farmers' Alliance and some Democrats disgusted by the dissentors among the members of their own party. The Populist party held its convention in Dallas, June 24, 1892. Their nominee for governor was Thomas L. Nugent, of Tarrant county. Born in Louisiana in 1844, a college graduate, Confederate veteran, former school teacher, preacher, and lawyer, Nugent had been a delegate to the constitutional convention in 1875 and was a district

⁵⁹Roberts, 304-305.

judge for nine years. As a member of the Alliance, he had been a staunch supporter of Hogg in 1890.⁶⁰

The New party seemed to have made a good choice, since Nugent was admired and respected. Roberts observed that "He was a man of recognized ability, great fairness in argument, and of decided personal integrity of character and standing."⁶¹ However, he was not in good health at the time and was "forced to conserve his strength whenever possible . . . and by the measure of his physical disability was his usefulness as a Populist leader diminished."⁶² Cotner speaks of the relationship between Nugent and Hogg by explaining that though "Hogg might berate the principles of Populism," he did not attack the man who led "the party." Cotner contended Hogg always respected "Nugent's sincerity and frankness. . . . He never meted out to him the rough treatment sometimes accorded Clark."⁶³ Clark had lost Nugent's support after he began to campaign for "a" commission, because the Populist candidate was in favor of government ownership of railroads. Nugent was a man of learning and an able speaker. His speeches were "always sober, dignified, and thought provoking. They avoided cliches, aphorisms, platitudes, and shibboleths."⁶⁴ Nugent's campaign was the first serious challenge by the Populist party in Texas.

⁶⁰Ibid., 30.

⁶¹Ibid., 301.

⁶²Martin, 117.

⁶³Cotner, Biography, 295.

⁶⁴Alvord, 65.

The Republican Party

Never a serious threat to the Democrats, the Republican party in Texas was less a threat in 1892 because of a split over control of the party. The national party recognized N. Wright Cuney, collector of customs at the port of Galveston, as head of the Texas party. A number of followers of Andrew Jackson Houston, son of Sam Houston, formed a separate group and nominated Houston in their convention in Dallas, April 12, 1892. The initial split was racial in nature, since Cuney was a Negro and accused of running the party for patronage and not for the good of the state. The "Lily Whites," as Cuney called them, continued their campaign to election day but drew little support. Cuney and his followers supported Clark; hence, there was virtually no Republican force to be considered in the final outcome.

Hogg's audiences during the 1892 campaign were made up of Hogg Democrats, those Democrats who had bolted and favored Clark, and the third party people. To the Governor all of these were Democrats even if some were misinformed, and he sought to reunite all under his banner. The events that transpired during the campaign were influential in determining the composition of Hogg's audiences. Rarely did he speak to a completely sympathetic audience or to one made up entirely of his adversaries. The Dallas Morning News stated that "Never before perhaps have the people shown such a desire to hear both sides of a campaign as strongly as in the present instance. Clark men go in large bodies to the Hogg meetings and vice versa. The ladies are stirred up and attend in numbers. It is strictly and

essentially an educational canvass. The people want to be informed."⁶⁵

Occasions

The political battles fought for the favor of Texas voters in 1890 and 1892 were carried on amid crowds, parades, banners, flags, bands, excitement, and speeches. The communities which hosted rallies for the candidates vied with each other to have the largest, noisiest, and most enthusiastic occasion.

1890

James Hogg carefully prepared his opening speech which was delivered at Rusk and used throughout the entire canvass. The speech was printed in pamphlet form and distributed to the voters, the newspapers printed it in its entirety, and Hogg stated that he would "live or die" by his Rusk speech. This section will discuss the occasion of the Rusk speech and survey the 1890 canvass speeches.

Rusk Speech

In the 1890 gubernatorial campaign Hogg chose Rusk, his birthplace and boyhood home, as the location for his opening speech. His boyhood friends, E. C. Dickinson, Frank Guinn, and "Whistlin" Andrew Jackson urged him to open the canvass there among his friends.⁶⁶

⁶⁵Dallas Morning News, May 2, 1892.

⁶⁶Cotner, Addresses, 63.

Rusk was the county seat of Cherokee county which had a population of 22,915.⁶⁷ The countryside was hilly, partly forested, on the branches of Angelina and Neches Rivers. The "forks of the creek" are mentioned several times in Hogg's speeches.

Hogg and his party arrived on the train in mid-morning, April 19. He was welcomed at the station by the Campbell Guards from Longview, the Jacksonville and Tyler bands, and a large crowd of friends from the surrounding counties. Much cheering, cannon firing, and music echoed through the town. Shouts of "Hogg and Commission" welcomed him as he stepped from the platform and expressed his appreciation urging everyone to attend his speech at 1 o'clock that afternoon. He noticed the banners, signs, and badges that were everywhere. As Hogg moved to the home of Ellie Dickinson to rest before the rally, the crowd spread picnic lunches under the trees.⁶⁸

By the time of the speech the crowd had grown to over 3,000 people. The rally was held in a shady grove near a spring. Men and boys climbed tall trees so as to see and hear better. Those people on the fringe of the crowd had to strain to hear the introductory speakers, but Hogg's voice carried strong and clear to the most distant.⁶⁹

The candidate spoke for three hours. A number of Texas newspapers were represented, and the complete text appeared the next day

⁶⁷Wooten, 803.

⁶⁸Cotner, Biography, 193.

⁶⁹Ibid., 198.

in the Fort Worth Gazette, the Dallas Morning News, the Houston Post, and the Galveston Daily News. However, the Austin Statesman made small mention of it. The Texas Farmer also printed a complete text which ran forty pages in length, thirty of which dealt with the railroads and the commission. The differences between these printed versions are minimal and demonstrate a consistent reproduction. The Texas Farmer printed copies of the speech in lots of 100 and 500 for distribution in areas where the local press ignored the speech. O. B. Colquit, later governor (1911-1915), turned out hundreds of copies on his Terrell Star-Times press.⁷⁰ The speech was also sent to Major Looscan of Houston with permission to have copies printed and distributed at his own discretion.⁷¹ These copies were later mentioned as being brought by some of the members of the audience during Hogg's speech in Houston.⁷²

It may be assumed that the majority of the Rusk audience was from an agricultural background, since this was farming and ranching country. Many of the audience were probably friendly to Hogg because Rusk was his hometown and he had worked in the neighboring communities. In addition, the groundwork of Sawnie Robertson, Horace Chilton, and others was successful. There were some present who were just curious or just observers; among this group was the press from the large cities.

⁷⁰Ibid., 198.

⁷¹Letter from James Hogg to Major M. Looscan, April 15, 1890, Attorney General's Letter Press.

⁷²Houston Post, April 27, 1890.

Obviously the members of the fourth estate may be categorized as those who favored Hogg and those who opposed him. The Grange paper, the Texas Farmer, and the Southern Mercury, published by the Alliance, favored him. Their support was significant in that they probably had the widest coverage in the state for weekly publications. A number of small weekly and bi-monthly newspapers supported him also.

The two largest papers, the Dallas Morning News and the Galveston Daily News, were both published by the A. H. Belo Corporation. These papers were accused of spreading fear that Hogg would "ruin the state."⁷³ They were opposed to Hogg even before the Rusk appearance, attacking both his record and him personally. Cotner states that "When the evangelist Sam Jones said from a pulpit in Tyler that 'a four-legged hog never uses profane language,' Dallas News editorials, for example, surmised that the reference was to the prohibition campaign of 1887, during which Hogg had been accused of using profane language, and pressed the implication that he was not dignified enough to be considered for governor."⁷⁴ After Rusk, the Galveston Daily News in an editorial said "the gist of Mr. Hogg's argument and eloquence, as foremost advocate and great captain of the plenary enterprise commission, resolves itself into the proverbial and historic tyrant's plea of necessity."⁷⁵

⁷³Southern Mercury, June 19, 1890.

⁷⁴Cotner, Biography, 190.

⁷⁵Galveston Daily News, May 1, 1890.

The Dallas Morning News, established in 1885, was the most modern of the major Texas papers and maintained a wide and extensive corps of agencies and correspondents throughout the state.⁷⁶ It was a formidable opponent and made Hogg's personal appearances even more important if he was to succeed.

Not all of the Democratic leaders looked with favor on Hogg's proposals. Judge George Clark, an honest and able adversary, represented the "old guard," the brigadiers, who had redeemed Texas. They viewed the "Tyler Gang" with disdain and considered them too radical. When the Galveston News asked Clark if there was a need for an amendment to establish a railroad commission, he replied, "None whatsoever, if we are robbed we don't go to a commission, we go to the courts for redress. Can't we do the same for railroads?" He added, "these reformers want something unusual. . . . They demand that we must forget the traditions of our ancestry. . . . I shall oppose the amendment and do what I can to defeat it, as I regard it essentially vicious. It belongs to a family with whom I never expect to be on friendly terms. . . . The old guard must throw itself across the path and fight."⁷⁷ Judge Clark typified the Southern political philosophy when he concluded "We only need government in order to furnish us the means to protect ourselves from wrong doers, and to allow each individual to pursue his own happiness in his own way."⁷⁸

⁷⁶A. C. Gray, "The History of the Texas Press," A Comprehensive History of Texas, 1685 to 1897, Dudley G. Wooten (ed.), 419.

⁷⁷Galveston Daily News, April 9, 1890.

⁷⁸Ibid.

For many years a railroad lawyer who had argued for the industry in many court cases, Clark was an example of what Woodward meant when he wrote "The lobbyist and lawyers of the large systems were in many cases closely allied with the political machines which the reformers were seeking to overthrow."⁷⁹

Although the duties of the office of attorney general prevented Hogg from beginning his canvass for the Democratic nomination until late, the Rusk speech was a strong beginning, and the lines of battle were clearly drawn. It was Hogg and the commission on one side and the pro-railroad and anti-commission forces on the other. Hogg spoke in friendly surroundings, but the repercussions were felt across the state.

Stump Speeches

As early as mid-March, Attorney General Hogg had an itinerary worked out for the campaign. Several press releases of it were sent to the papers across the state.⁸⁰ The following schedule is Hogg's speaking engagements taken from his personal date book which he carried with him.

Rusk, Cherokee County	Saturday, April 19, 1 p.m.
Brenham, Washington County	Friday, April 25, 1 p.m.
Houston, Harris County	Saturday, April 26, at night
Brownwood, Brown County	Thursday, May 1, 1 p.m.

⁷⁹Woodward, 379.

⁸⁰Press Release, Office of the Attorney General, March, 1890; and Letter, J. T. Craddock to F. Doremous, April 24, 1890, Attorney General's Letter Press.

San Angelo, Tom Green County,	Saturday, May 3, 1 p.m.
Coleman, Coleman County,	Monday, May 5.
Belton, Bell County,	Wednesday, May 7.
Waxahachie, Ellis County,	Friday, May 9, 1 p.m.
Dallas, Dallas County,	Saturday, May 10, at night.
Decatur, Wise County,	Monday, May 12.
Cuero, DeWitt County,	Friday, May 16, 1 p.m.
Hallettsville, Lavaca County,	Saturday, May 17, 1 p.m.
Columbus, Colorado County,	Monday, May 19.
Austin, Travis County,	Thursday, May 22, at night.
Hillsboro, Hill County,	Saturday, May 24, 1 p.m.
Sherman, Grayson County,	Tuesday, May 27.
Childress, Childress County,	Saturday, May 31, 1 p.m.
Greenville, Hunt County,	Saturday, June 7.
Sulphur Springs, Hopkins County,	Monday, June 9.
Bellview, Austin County,	Friday, June 13, 1 p.m.
Galveston, Galveston County,	Saturday, June 14, at night.
Georgetown, Williamson County,	Tuesday, June 17.
Mexia, Limestone County,	Friday, June 20, 1 p.m.
Waco, McLennan County,	Saturday, June 21, 1 p.m.
Corsicana, Navarro County,	Monday, June 23.
Weatherford, Parker County,	Friday, June 27, 1 p.m.
Fort Worth, Tarrant County,	Saturday, June 28, at night.
New Braunfels, Comal County,	Friday July 4, 1 p.m.
San Antonio, Bexar County,	Saturday, July 5, at night. ⁸¹

⁸¹James S. Hogg's personal date book, Archives, University of Texas.

Since Hogg was not an incumbent, he did not get the general press coverage when he spoke in smaller communities that he did in the larger cities. Several reports are available, however, to present a picture of the overall campaign.

The Attorney General was received at the depot at Corsicana, May 24, "by a large number of spectators amid music and cheers of an enthusiastic populace." After a parade, he was introduced by ex-Mayor Nibblett to an overflow audience at the opera house made up of "leading men in all the professions, trades, businesses, etc." from surrounding counties. Hogg spoke for two hours and "with some few exceptions it was in the main a reiteration of ideas put forth at Rusk and other places along the line of canvass." In his speech he mentioned that this was "his twenty-third appointment since his commencement of the campaign."⁸²

On the evening of May 26, Hogg addressed "a large audience of voters at the opera house" at Sherman. His address was "virtually the same as that delivered at Rusk."⁸³

In Wichita Falls he addressed a "fair sized audience" on June 3. His speech was basically the same as the Rusk speech and was well received. "A number who have heretofore opposed him are now outspoken in favor of his nomination," reported the Dallas News.⁸⁴

⁸²Dallas Morning News, May 27, 1890.

⁸³Dallas Morning News, May 28, 1890.

⁸⁴Dallas Morning News, June 7, 1890.

On June 18, he spoke in Kyle to an audience of some 300 and was "frequently applauded."⁸⁵

In Waco, on June 21, Hogg spoke at the courthouse for forty minutes "in his usual style."⁸⁶ The audience numbered 600 to 700 people, and the speech was the "same as at Rusk."⁸⁷

Hogg and Judge Gustave Cook engaged in three joint discussions or debates. They both spoke before a large audience at Bellview, June 13. The audience was composed mostly of gentlemen who listened with great attention. The News concluded that Hogg would not have a walk-over, but that it would be a long, hard campaign.⁸⁸

The second joint discussion was in Mexia, on June 20, before an audience of over 1,000 persons. Hogg spoke for one and a half hours saying "about the same as that heretofore published."⁸⁹ Judge Cook spoke for two hours, and Hogg concluded with a thirty minute rebuttal. The audience was mild and passive toward both candidates. There was not the excitement that had been generated at Rusk during Hogg's opening speech. The News covered the discussion, and in its report devoted two and one-half inches of single column space to Hogg and sixty-two and one-half inches to the remarks of Judge Cook.

⁸⁵Dallas Morning News, June 20, 1890.

⁸⁶Dallas Morning News, June 22, 1890.

⁸⁷Dallas Morning News, June 23, 1890.

⁸⁸Dallas Morning News, June 14, 1890.

⁸⁹Dallas Morning News, June 21, 1890.

The two candidates met again at Denton, June 30. "Not withstanding the dry, hot weather early in the day, the crowd began to gather, and before noon the streets were crowded with men who had come to hear the two champions of commission and anti-commission reason on the leading topics of the day. At one o'clock p.m. the people had gathered by the thousands under the Burnett and Mulkey tabernacle in the college grounds."⁹⁰ Hogg spoke for one hour and said that "his speech at Rusk was his platform and had been published abroad. That his fight was now for the railroad commission and that he meant to stand with it or fall with it."⁹¹ Cook spoke for an hour and a half and was well received; Hogg closed the discussion with a thirty minute reply. Both candidates were upset because a non-partisan, a third party man, wanted to enter into the discussion. Neither would give him time to speak, since this was strictly a Democratic rally.

At McGregor on June 23, Hogg spoke to a large audience and "covered the same ground."⁹²

At Weatherford on June 27, he spoke to an "immense crowd." It was a "rehash of the Rusk speech and well accepted by a majority of the audience."⁹³

At Fort Worth on June 28, the Attorney General spoke at night in the opera house. His regular speech was trimmed, and he "only

⁹⁰Dallas Morning News, July 1, 1890.

⁹¹Ibid.

⁹²Dallas Morning News, June 25, 1890.

⁹³Dallas Morning News, June 28, 1890.

handled the commission question as he deemed that the all important one." The speech entertained the crowd, and Hogg's friends who were out in force were "highly pleased with it."⁹⁴

Hogg closed his canvass on July 5, at San Antonio with a speech in the main plaza. Amid much excitement with the 23rd Infantry band playing and banners and buttons everywhere, he spoke to an audience of 1,000 to 2,000 persons. This speech was essentially the same one previously given, emphasizing the need for the passage of the amendment and the creation of a railroad commission.⁹⁵

It is not certain how many speeches Hogg made in 1890. His planned itinerary listed 29 stops. Other speeches were mentioned in the press; however, not every speech was reported. On May 27, he called the Corsicana address his twenty-third speaking appointment, yet only fourteen had been mentioned in the newspapers. Press reports and statements from his personal papers account for a total of thirty-one speeches.

There is no record of his speaking after the July 5th address in San Antonio. The Democratic state convention met in San Antonio beginning August 12, 1890. The names of James Hogg, T. B. Wheeler, and Gustave Cook were presented to the convention; and during the taking of the votes on the first ballot, Cook dropped out because he failed to carry his own county. Wheeler also withdrew, and Hogg was declared by acclamation to be the Democratic nominee for governor.⁹⁶

⁹⁴Dallas Morning News, June 29, 1890.

⁹⁵Dallas Morning News, July 6, 1890.

⁹⁶Roberts, 283.

No speeches are mentioned after the convention either in the press or in Hogg's official papers. However, in his capacity as attorney general, he traveled to Washington to try several cases before the Supreme Court. Before he returned to Texas, he was treated by Washington officials as the governor-elect of Texas since he was the Democratic nominee from a Democratic state.

The Washington correspondent for the Dallas Morning News reported that "The impression he has created has been a magnificent one, and those who have talked with him, including myself, are convinced that those who expect a radical revolution in the affairs of Texas will be bitterly disappointed. He is much more conservative and businesslike than the public outside the state expected."⁹⁷

Hogg did not speak in the five county district which he had served as district attorney, and it may be assumed that there was no need for him to do so. It is important to note the size of the area he covered in this campaign. Using Austin as the center, he covered an area 350 miles north, 200 miles west, 200 miles east, and 100 miles south. The majority of this travel was by rail, but part of it was by buggy.

At the major metropolitan centers he spoke at night. These were Houston, Dallas, Galveston, Fort Worth, and San Antonio. The smaller locations were all daytime speeches. This was probably because of the availability of a suitable hall or proper lighting. He preferred the outdoor gatherings where he could feel the people around him.

⁹⁷Dallas Morning News, October 29, 1890.

When the voters of Texas went to the polls in November, they elected James Stephen Hogg their first Texas born governor by the greatest majority enjoyed by any gubernatorial candidate up to that time. The official vote was 262,432 for Hogg and 80,838 for all other candidates including 77,742 for Webster Flanagan, the Republican candidate. Flanagan carried only eleven counties--Jeff Davis, Maverick, Zapata, Jackson, Matagorda, Wharton, Brazoria, Fort Bend, Waller, San Jacinto, and Marion--while Hogg had a majority of the votes in 191 counties. The remaining counties in Texas's 254 showed no returns because of sparse population; these were for the most part in west Texas.⁹⁸

In electing Hogg the people spoke out for railroad reform; they also passed the constitutional amendment empowering the legislature to create a railroad commission by a vote of 181,954 for and 73,106 against.⁹⁹ This was a mandate to the legislature to establish a commission; however, the battle had only begun.

1892

Following the pattern he employed in his previous campaign, Hogg carefully prepared his opening speech delivered at Wills Point and used it until he was nominated. A series of debates with George Clark was the lone exception. After the nomination and the subsequent split in the party, he followed the same course using the

⁹⁸Texas Senate Journal, 1891, 41-42.

⁹⁹Ibid.

speech delivered at Dallas, October 1. This section will discuss the occasions of his Wills Point speech, the debates, the Dallas speech, and a survey of the remaining stump speeches.

Wills Point Speech

Governor Hogg opened his campaign for re-election at Wills Point, Van Zandt county, April 21, 1892. In beginning his canvass there, he had chosen the extreme western edge of the six counties which he had served as district attorney. Wills Point was midway between the metropolitan area of Dallas and the east Texas center of Tyler and was on the Texas and Pacific line making travel to and from the rally more convenient for those attending. Van Zandt county was farming country set in the post oak belt with rolling to level terrain.¹⁰⁰ According to the 1890 census, the county had a population of 16,234,¹⁰¹ while the community of Wills Point had 1,200 inhabitants.¹⁰² Governor Hogg had lived and worked for many years in this area and knew a great number of people, many of them by name.

The weather was "cool and pleasant"¹⁰³ as the crowds gathered from all the surrounding counties. The Dallas News stated that they "came all the way from Babylon to the Red Sea, and from Dan to

¹⁰⁰Walter Prescott Webb (ed.), The Handbook of Texas (Austin: Texas State Historical Association, 1952), II, 833.

¹⁰¹Wooten, 800.

¹⁰²Webb, II, 920.

¹⁰³Austin Statesman, April 22, 1892.

Beersheba," then listed sixteen cities and towns represented. In addition to the regularly scheduled trains, the people came by at least three special trains, by wagon, by buggy, and on horseback. "The crowd comprised every kind, class, profession, and officeseekers and office holders. There were both Hogg men and Clark men."¹⁰⁴

A considerable difference of opinion arose as to the number present. The Fort Worth Gazette estimated 10,000;¹⁰⁵ the Austin Statesman, 8,000 to 10,000;¹⁰⁶ the Dallas Morning News, 3,000 to 5,000;¹⁰⁷ and Cotner, over 5,000.¹⁰⁸ Regardless of the correct number present, it was obviously a large congregation of Texans. The list of dignitaries from Austin and the counties and cities represented read like a Who's Who of Texas.

Each group carried flags and banners. The Tyler special coach was covered with such mottos as "Always for Hogg and Commission," "For Hogg for Governor First, Last and All the Time," and "Hogg is Going to Win." The county groups carried banners to identify themselves and their allegiance such as "Gregg County is for Hogg and Commission," "Van Zandt is for our ____" and immediately under the

¹⁰⁴Dallas Morning News, April 22, 1892.

¹⁰⁵Fort Worth Gazette, April 22, 1892.

¹⁰⁶Austin Statesman, April 22, 1892.

¹⁰⁷Dallas Morning News, April 22, 1892.

¹⁰⁸Cotner, Biography, 284.

letters was a picture of a big pig, and Terrell's sign indicated that they were "The Boys from the Head of the Creek."¹⁰⁹

This was a day of celebration in two ways, the opening of the Hogg campaign and San Jacinto Day, the fifty-sixth anniversary of General Sam Houston's defeat of Santa Anna and the Mexican Army. After the rally some of the listeners "affectionately said that San Jacinto Day was being reconsecrated by a greater man than Sam Houston."¹¹⁰

The site chosen was approximately a mile south of the T&P depot in a large shady grove near a stream. After the speaking at noon a large barbecue and basket dinner was held. The speaker's stand was decorated with flags and bunting with benches placed in front of the stand. The audience was too great for everyone to be seated. On the benches "in a solid phalanx sat the ladies in bright, new and beautiful spring costumes and the school girls in their uniforms. Behind them and on all sides stood the men."¹¹¹ As the people gathered six bands entertained.

Senator J. G. Kearby of Van Zandt county introduced the Governor after having compared the leadership of Sam Houston in the strife between Texas and Mexico and the leadership of Governor Hogg in the strife between Texas and corporate power. Hogg addressed the friendly and courteous audience for three hours and was said to have

¹⁰⁹Dallas Morning News, April 22, 1892.

¹¹⁰Ibid.

¹¹¹Ibid.

been in good voice; therefore, almost everyone heard his remarks.¹¹²

"The vast audience gave rapt attention and manifested their sympathy with the speaker by their unstinted and tumultuous applause."¹¹³

Governor Hogg's speech at Wills Point, although delivered to a specific audience, was taken down by a stenographer and carefully checked by the Governor in order that copies could be printed.¹¹⁴ His secretary, J. W. Spivey, indicated that a great many of the county papers of the state obtained enough copies to send to every subscriber.¹¹⁵ The entire text of the speech appeared in the Dallas Morning News, the Fort Worth Gazette, and the Houston Post. Within a week after the speech was delivered, thousands of Texas voters were familiar with what it contained.

The Debates

George Clark and James Hogg engaged in two public debates with the main issue being the Railroad Commission. At the request of the Hogg and Clark clubs of Cameron and Cleburne the two contestants consented. By the first of May such enthusiasm had been generated that the event was destined to be one of the high points in Texas political history.

¹¹²Austin Statesman, April 22, 1892.

¹¹³Fort Worth Gazette, April 22, 1892.

¹¹⁴Dallas Morning News, May 25, 1892.

¹¹⁵Letter from J. W. Spivey to S. M. Woolsey, Hutto, Texas, May 6, 1892, Governor's Letter Press.

The first debate was at Cameron, May 3, 1892. T. S. Henderson, chairman of the Hogg club, stated that Cameron was "a typical central Texas town of 2,500 people in the thriving agricultural county of Milam. The town was divided, but the sentiment in the country was overwhelming for Hogg."¹¹⁶

The weather was perfect; and all roads that led to Cameron were crowded with wagons, buggies, and men on horseback. Special trains brought people from everywhere.¹¹⁷ "Two special trains came in over the Santa Fe besides the regular north and south bound trains. Over the Aransas Pass line came one special each from the north and south besides the regular south bound. All of these trains were crowded."¹¹⁸ The crowd was estimated at 6,000 including 1,000 or more women and children.¹¹⁹ The Austin Statesman estimated the number assembled at closer to 8,000 and stated that the entire town and the woods were full of people.¹²⁰

Farmers and their families for miles around had been eagerly awaiting the date, as though Ringling Brothers was scheduled for their annual trip. Many farmers brought their families in on the night of the second. The wagon yards were full of people, and the air was buzzing with political gossip. . . . The old folks thoroughly enjoyed the opportunity to meet their friends, and the children were having 'the time of their lives.' Such occasions were rare in the lives of both old and young.¹²¹

¹¹⁶Bailey Papers, 358.

¹¹⁷Fort Worth Gazette, May 4, 1892.

¹¹⁸Dallas Morning News, May 4, 1892.

¹¹⁹Ibid.

¹²⁰Austin Statesman, May 4, 1892.

¹²¹St. Clair, 52.

The gathering was held in the City Park, a few blocks from the square. A large pavillion covering the speaker's stand and seats for the ladies were surrounded by large trees with benches all around. Barrels of ice water and a cool spring nearby provided for the comfort of the "immense crowd."¹²²

Both speakers arrived in the morning on separate trains amid much shouting and cheering. Bands played, cannons fired, and the small town was racked with excitement. Each man went to the headquarters of his respective club. Governor Hogg and Mr. Henderson called on Judge Clark to "confer on the general tenor of the debate, in order that he [Hogg] might fully understand the situation and adapt himself to it."¹²³ It was decided that Clark would open the debate by speaking one hour, Hogg would follow with one hour and a half, and Clark would close with a thirty minute rebuttal. The order would be reversed in Cleburne on the following day.

A noisy and lengthy parade of supporters followed each candidate to the pavillion where they mounted the speaker's platform simultaneously, met in the middle, shook hands, and waved to the crowd. Hogg had a mellow baritone voice which reached the most distant listeners, while Clark's voice was harsh because of campaigning.¹²⁴

¹²²Bailey Papers, 359.

¹²³Ibid., 360.

¹²⁴Cotner, Biography, 288.

The shouting and celebrating of "victory" by both groups continued on into the night. At 4:30 a.m. the next morning the two combatants boarded a train for Cleburne.

The text of the debate appeared in both the Galveston Daily News and the Dallas Morning News the next morning, an indication of the interest generated across the state in the campaign. By special telegraph hook-up directly to Galveston and Dallas, the message was sent immediately following the rally. "The News had a corps of short-hand reporters, staff correspondents and telegraphers on hand in an open field; as a result, the debate was reported in full in the news columns the next morning--a feat which its rivals and even its political enemies applauded."¹²⁵ This provided for the audience at Cleburne a report of the first debate.

A special train of eleven cars carried the two speakers and their followers to Cleburne. Governor Hogg and Judge Clark traveled "cheerily and chatting pleasantly over the momentous events of the day. The utmost good feeling was apparent between the distinguished candidates."¹²⁶ The train stopped a number of times to pick up more passengers bound for Cleburne, and at each stop there was more cheering and shouting.

At Cleburne the usual ballyhoo took place, identical to Cameron except the crowd was larger. The pavillion that was built to accommodate 5,000 people was overflowing with listeners. The trees were

¹²⁵Sam Acheson, 35,000 Days in Texas, A History of the Dallas News and Its Forbears (New York: The Macmillan Company, 1938), 159.

¹²⁶Dallas Morning News, May 5, 1892.

full of the curious onlookers, temporary stands were erected to seat an additional 1,000 people and even those were inadequate. "At a glance it showed to be the largest assemblage ever gathered together in Texas."¹²⁷

An incident occurred just as Governor Hogg was being introduced which created a considerable commotion. A portion of the temporary stands holding approximately 1,000 fell, and twenty-eight people were seriously injured. Hogg's "booming voice and presence of mind prevented a serious panic."¹²⁸

Hogg spoke first amid much shouting by the Clark men. When Clark spoke the Hogg supporters created such a din of noise that the "little Giant" was unable to continue, and the debate was stopped. Hogg quieted the crowd, and the Judge continued; however, the noise grew until few members of the audience could hear what was said. As the Governor delivered his rebuttal, the Clark forces attempted to drown out his remarks. An eye-witness reported that "Very few people knew what the candidates had said for the debate ended very much as it had begun, amid rowdy confusion. The speakers and many of the people were completely tired out and disgusted."¹²⁹ The two joint meetings of the candidates, particularly the one in Cleburne, provided an opportunity for the supporters of each faction to vent their feelings, but little was accomplished by either candidate.

¹²⁷Austin Statesman, May 5, 1892.

¹²⁸Fort Worth Gazette, May 5, 1892.

¹²⁹Interview with Lt. Gov. Barry Miller (1924) as reported in St. Clair, 57.

The Cleburne debate was significant in that (1) it was the largest political gathering in Texas up to that time, (2) it was a high water mark in political rancor in Texas, and (3) because of the strong feeling and the support each man had mustered, talk began for a new man to heal a possible split in the party. The Houston Post and the Austin Statesman favored this proposal.¹³⁰

Dallas Speech

With the appearance at Marlin, July 8, the Governor closed the first phase of his bid for re-election. During the remainder of July, August, and September he was in Houston for the convention and in his office in Austin. After the weather became cooler, he reopened his campaign with a speech in Dallas, October 1.

Dallas, with a population of more than 38,000, was recognized as a financial and commercial center, and it was a Gould stronghold in which George Clark had strong support.¹³¹ Hogg had spoken there twice in April, but he had lost one of his greatest allies in the city with the death of Judge Sawnie Robertson in June.

A procession gathered in front of the opera house at 9:30 a.m. to conduct Governor Hogg to the fair grounds. Considering that Dallas was the state's largest city, the parade was small, having only approximately 200 participants including carriages, horsemen, and a brass

¹³⁰Austin Statesman, May 5, 1892.

¹³¹Ralph W. Steen, The Texas News (Austin: The Steck Company, 1955), 131. The 1890 census recorded the population of Dallas as 38,067.

band. A crowd welcomed the chief executive to the Music Hall where he was scheduled to speak at 11:00 o'clock.

Inside the hall the ground floor was filled, but the attendance was far short of the expected 10,000. The Governor's friends indicated that October was a busy time for farmers who were picking their cotton rather than hearing political speeches. Included in the estimated 2,000 present were people from Garland, Wilmer, and other parts of Dallas county; however, the majority was from Dallas proper; and a large portion of them were Clark people. Tarrant county was also represented.

The speaker's stand which had previously been used for a Populist rally was adorned with a banner saying "The War is Over." Whether the banner had inadvertently been forgotten, left by Clark backers to embarrass the speaker, or intentionally left as an appeal to end the "war" within the Democratic party is not known.

The Governor was introduced by Richard Morgan who protested that the speaker needed no introduction to any Texas audience; but that since it was his assigned task by the party, he welcomed it. There were no interruptions of the speech except encouraging statements made by Hogg's friends. One of the listeners, Mr. Chenault, who was hard of hearing, moved immediately in front of the stand where he remained throughout the speech with his hand to his ear listening with obvious pleasure.¹³²

¹³²Dallas Morning News, October 2, 1892.

At the conclusion of his address, the Governor invited everyone to share the barbecue provided outside the hall. That afternoon handbills were circulated throughout the Dallas area calling attention to the small attendance and proclaiming an auction of barbecued meats, particularly swine, which was available because of the "lack of interest in the greatly advertised Hogg Ground Swell that was to have been inaugurated in Dallas today and which did not pan out."¹³³ These were handed out to embarrass the Governor and his supporters. The truth was that the barbecue was well attended, and the meal completely consumed.

The speech was printed in its entirety in the Dallas Morning News, the Austin Statesman, and the Houston Post. The Post called it "strong throughout,"¹³⁴ while the Statesman declared "Governor Hogg was in good form and excellent voice."¹³⁵ The speech was declared by many to be the best speech made to date by a Democratic nominee.¹³⁶

Stump Speeches

Although Governor Hogg spoke in each of the metropolitan areas of Dallas, Houston, San Antonio, Austin, Galveston, and Fort Worth at least once and some of them several times, the majority of

¹³³Dallas Morning News, October 4, 1892.

¹³⁴Houston Post, October 2, 1892.

¹³⁵Austin Statesman, October 2, 1892.

¹³⁶St. Clair, 105.

his 104 stump speeches in the campaign of 1892 was made in small towns. In each place his reception and the rally that followed fit into a pattern which varied only in enthusiasm and the numbers present. In friendly areas there were naturally more of both, but there were also present those who represented the opposition. When Hogg visited areas known to be in the enemy camp, he was entertained more as the Governor than as a candidate, but always with the dignity and respect due the chief executive of the state.

Upon his arrival in a community he was met by a reception committee. Because of the lack of proper communication there were instances when the reception did not take place as planned. In Hillsboro the welcoming committee mistook the reporter for the Dallas News for the Governor, and all were embarrassed when a noisy demonstration was staged for the arrival of the wrong train.¹³⁷ At Palestine a reception was planned at the country home of John Reagan, but the train with the Governor on board failed to stop since it was on a down grade.¹³⁸

If the Governor was visiting in a friendly area, he was greeted with brass bands, cannon or anvil firing salutes, and a cheering populace wearing badges. At McKinney he heard shouts of "sooey."¹³⁹ There were always signs and banners of all kinds. In Flatonfa some of them read "Texas for Texans," "The Commission Saved Over \$1,000,000

¹³⁷Dallas Morning News, June 14, 1892.

¹³⁸Dallas Morning News, June 8, 1892.

¹³⁹Dallas Morning News, April 27, 1892.

for the Farmers of Texas on the Crop of 1891," and "Railroad Lawyers Can No Longer Govern Texas;"¹⁴⁰ in Bonham, "Who is Clark and Where is Waco?" and "Hogg is the Farmer's Candidate;"¹⁴¹ and in Navasota, "Two to One George Clark Bolts the Houston Convention."¹⁴² At Bellview Clark men accused Hogg's followers of packing up the signs and slogans and sending them ahead in order that they could be used again and again.¹⁴³ Hogg not only saw signs indicating support for his candidacy, but frequently those opposing him. An example was the signs at Baird which read "No Hogg," "Down with One-Man Power," and "Hogg and Hard Times."¹⁴⁴

The bands frequently played "Dixie" as Hogg arrived; however, the band at Brenham played "Hail to the Chief."¹⁴⁵ Often the cheering crowds created enough noise that the bands could not be heard. Hillsboro was called the "outyellingest crowd yet."¹⁴⁶

The local Hogg Club took care of planning the rally. The greeting and speaking platform groups were made up of city and county dignitaries and anyone from that area who happened to be running for office on the Democratic ticket. In order that the townspeople could

¹⁴⁰Dallas Morning News, May 13, 1892.

¹⁴¹Dallas Morning News, May 19, 1892.

¹⁴²Dallas Morning News, June 2, 1892.

¹⁴³Dallas Morning News, June 3, 1892.

¹⁴⁴Dallas Morning News, June 11, 1892.

¹⁴⁵Dallas Morning News, June 3, 1892.

¹⁴⁶Dallas Morning News, June 14, 1892.

meet and greet their distinguished guest a reception was scheduled at a local hotel, church, or nearby home. Early in the canvass it was Hogg's habit to eat lunch before speaking; however, as the weather began to get warmer, he spoke first and then ate. In Gonzales his friends wanted him to eat a barbecue dinner, but he said, "Every time I eat dinner and drink buttermilk before speaking, dad blamed if I don't pay for it when I get up to speak. I feel as sluggish as a mud cat and as slow as a messenger boy. No, thank you, gentlemen, wait until after the speaking."¹⁴⁷

Shortly before the rally a parade would gather to conduct the speaker to the site of his address. The parade would have a grand marshall, and the order of march was the same in most of the communities. In a carriage drawn, in some instances, by four white horses, the Governor was preceded by bands and military units and followed by the city and county officials and citizens in carriages and on foot. The parade in Fort Worth on May 17 was very disappointing with a total of only 156 people including the band;¹⁴⁸ while at Tyler on the night of October 22, more than 2,000 participated.¹⁴⁹

In a small town the speech was generally scheduled in the afternoon in a grove of trees, a park, the town square, or some other convenient area which could accommodate large numbers of people. Hogg also spoke in courthouses, in opera houses, in Gainesville in a

¹⁴⁷Dallas Morning News, June 26, 1892.

¹⁴⁸Dallas Morning News, May 18, 1892.

¹⁴⁹Dallas Morning News, October 23, 1892.

patent medicine man's tent,¹⁵⁰ the Chautauqua in San Marcos,¹⁵¹ Sam Jones's tabernacle in Corsicana and Palestine,¹⁵² the Knights of Pythias Hall in Celeste,¹⁵³ a cotton seed warehouse in Ennis,¹⁵⁴ and the Artillery Hall in Galveston.¹⁵⁵ At the outdoor gatherings seating was provided for at least a portion of the audience, and the speaker's stand was draped with bunting and flags and decorated with signs and slogans. Young school girls presented the Governor with flowers which he then placed on or near the stand after kissing the little girls. If a hall was used, the speaker's stand was similarly decorated.

The audiences naturally ranged in size depending upon (1) the interest of the people in the area, (2) whether the speech was delivered in a hall or outdoors, and (3) the weather. At Columbus during the heat of the summer there were only 500 people present at the courthouse after a very "tame reception,"¹⁵⁶ yet in equally hot weather in Waxahachie 3,500 heard Hogg speak in a grove of trees.¹⁵⁷

¹⁵⁰Fort Worth Gazette, May 6, 1892.

¹⁵¹Dallas Morning News, June 24, 1892.

¹⁵²Dallas Morning News, April 30, 1892 and June 8, 1892.

¹⁵³Dallas Morning News, October 20, 1892.

¹⁵⁴Dallas Morning News, April 29, 1892.

¹⁵⁵Dallas Morning News, May 15, 1892.

¹⁵⁶Dallas Morning News, July 2, 1892.

¹⁵⁷Dallas Morning News, June 15, 1892.

Hogg always welcomed ladies to his speeches, and he was "too good a politician to ignore the babies." It was reported that by mid-June he had kissed 5,000 babies. "I love children," he said, "and another thing, when you get in politics and kiss babies you may scare the babies to death, but you will win their mothers, world without end, and the hand that rocks the cradle generally controls the vote."¹⁵⁸ He frequently found Clark followers and third party men in the crowds, and many of his audiences included black voters. All of these people were encouraged to ask questions.

The unpredictable weather of Texas played its part in the campaign. During the early spring and the early fall the weather was ideal for outdoor gatherings; however, the heat of late June and July took its toll in attendance and had its effect on the corpulent candidate. During these months he encouraged his listeners, especially when he spoke in closed unairconditioned halls, to feel free to leave if the heat became too uncomfortable. On several occasions he removed his coat during his address. In July in Bryan he described the weather as "hot as a frizzly hen in a wool blanket."¹⁵⁹ Frequently rain or the threat of rain affected the attendance or the mood of the audience. In Wolfe City he spoke outdoors to a small crowd while it was drizzling rain.¹⁶⁰ Following a hard rain the Governor visited

¹⁵⁸Dallas Morning News, June 21, 1892.

¹⁵⁹Dallas Morning News, July 2, 1892.

¹⁶⁰Dallas Morning News, October 20, 1892.

Denison to find little enthusiasm because all spirits were dampened;¹⁶¹ however, the people and the land were refreshed by a hard rain in Brenham.¹⁶²

The length of his address varied according to the situation. He made a number of whistle stop speeches from the steps of the train, and these were from 5 to 30 minutes in length. Most of his regularly scheduled addresses were from one and a half to three hours long.

The most spectacular demonstrations during the campaign were staged in the Governor's home city of Tyler. The first of these was unplanned and was occasioned by the fact that George Clark was to speak at the Tyler Opera House on the evening of October 22 while Governor Hogg was returning to Tyler to rest following an afternoon speaking engagement in Marshall. By the time the Governor's train arrived each end of the town square was decorated, one end for Hogg and one for Clark. Bon fires were lit and anvils fired for each candidate. Two thousand people met Hogg at the train, and a torchlight parade conducted the chief executive into town under an umbrella of flowers. He stated that on returning home "no man on earth has been received with a greater demonstration than this."¹⁶³ The Governor's speech was short; however, the speaking and celebrating continued into the night. "Only . . . the dawn of the Sabbath brought to

¹⁶¹Dallas Morning News, April 26, 1892.

¹⁶²Dallas Morning News, June 3, 1892.

¹⁶³Dallas Morning News, October 23, 1892.

quietude and to rest the most remarkable double political jubilee" that Tyler had ever witnessed.¹⁶⁴

The second Tyler welcome for their favorite son came on the eve of the election. The Houston Post described the scene: "By 10 o'clock the scene on the square beggared description. The people could not be counted. There was a jam everywhere, the excitement ran high. Bands were playing, flags waving and the shouts of the multitude was [sic] deafening. There were hundreds of colored men in the procession wearing Hogg badges. The colored Hogg band from Hopewell added to the music and excitement. Every train . . . came in loaded. Such a scene was never witnessed in this city or in Smith county. . . . There was no barbecue, either, and no free whisky to attract the people here today. They came through pure patriotism and their love for Texas and good government."¹⁶⁵ The speaker's stand was decorated with bunting and flags, and behind it hung life-sized pictures of Grover Cleveland, Adlai Stevenson, and James Hogg. The Governor's picture was in the center and framed with "zephyr work of letters and flowers of silk" done by one of the local ladies. The inscription read "The People's Governor, J. S. Hogg."¹⁶⁶ This was the scene of Hogg's final speech of the 1892 campaign.

The occasions of Governor Hogg's speeches appear to have been social and educational affairs as well as political ones,

¹⁶⁴Ibid.

¹⁶⁵Houston Post, November 8, 1892.

¹⁶⁶Ibid.

particularly in the smaller communities. The businesses within the town were closed, the people from the surrounding area packed up their families and traveled sometimes quite a distance to attend the rally, and a carnival atmosphere prevailed throughout the entire day.

In comparing Hogg's two gubernatorial campaigns, a number of similarities become apparent. In both campaigns Hogg presented his position in a detailed opening speech which he continued to use as the basis for his stump speeches. In the 1892 campaign he presented essentially the same speech up to the time of the convention. With the split in the party and a strong campaign waged by Clark and the Populist opposition led by Nugent, he was forced to continue to campaign to the eve of the election. During this period he used his address at Dallas in October as the foundation for the remainder of the stump speeches.

The two campaigns were similar also in that Hogg was involved in public debate which he enjoyed. The encounters with Clark at Cameron and Cleburne far surpassed his previous debates with Cook in 1890 in excitement, enthusiasm, and the number of people who attended.

In 1892 Hogg continued his practice of seeking questions from the audience. This period was enjoyable for him, and this contact was a significant factor in establishing his reputation as "the People's Governor." The Railroad Commission was the main issue in 1890 and 1892. In the second campaign the elective-appointive argument was important, and he was forced to defend the existence of the Commission.

The basic differences in the campaigns stem from the fact that in 1892 Hogg had stronger and better organized opposition and he was forced to campaign much more extensively and intensively because of that opposition. In his 1890 campaign he delivered at least 31 speeches. In his address at Waco on November 5 during the 1892 campaign, he indicated that he had made 103 speeches up to that time.¹⁶⁷ He closed the campaign the following night at Tyler, a total of 104 speeches by his count. An examination of the Dallas Morning News for each day from April 21, when he opened his canvass, to November 8, election day, reveals that the paper reported 94 of his speeches. It was the policy of The News to have a reporter with Hogg at all times, hence the widespread publicity given him by this paper. In reality he spoke three times as much in 1892 as in 1890. Another factor was the lack of a favorable press. Even though the papers gave him publicity, it was rarely favorable and frequently extremely critical. The extended campaign accounts for some of the increase in the number of speeches. However, comparing the number up to the time of the convention reveals that in 1890 he had spoken 31 times and in the same period in 1892 he spoke 64 times, more than twice as many speeches. In July, his speech at Marlin on the 8th was his last until his Dallas speech on October 1. This was because of the federal court injunction that went to trial on July 25, the decision in this case which was not rendered until August 22, and the split in the Democratic party at the Houston convention. There were no speeches during September while Hogg,

¹⁶⁷Dallas Morning News, November 6, 1892.

Attorney General Culberson, and the railroad commissioners prepared to argue its case before the United States Supreme Court. From October 1 to election day, a total of 38 days, Hogg spoke 30 times by the Dallas News account.

In the 1890 campaign, Hogg favored Thursdays and Saturdays for his rallies, but during 1892 he spoke on every day except Sunday. In 1890 the first part of the week was delegated to his duties as attorney general in Austin, but such was not the case in 1892. His speaking tours were long and tiresome, sometimes over two weeks in length in 1892.

Election day, November 8, 1892, was cold and rainy.¹⁶⁸ Since much of Hogg's support came from rural areas, there was concern that muddy roads would prevent many of these voters from reaching the polls. However, the official vote was Hogg, 190,286; Clark, 133,395; Nugent, 108,483; Houston, 1,322; and Pendergast, 1,605.¹⁶⁹ The total vote was 435,291 of which Hogg got 44% compared with 76% in 1890. Undoubtedly the split in the Democratic party and the third party popularity eroded his support.

Summary

This chapter has analyzed James Hogg's audiences and occasions in the two gubernatorial campaigns. Throughout both campaigns Hogg felt compelled to go to the people and let them make the choice. The

¹⁶⁸Houston Post, November 9, 1892.

¹⁶⁹Texas House Journal, 1893, 52-58.

campaigns conducted by Hogg were unique in that he made an earnest attempt to get his message to the voters because it was blocked by the press. He enjoyed campaigning; he especially enjoyed speaking to crowds and mingling with them, talking their language about their problems. Bitterly opposed by strong and well-organized forces, he felt that if he could explain his policies and reforms the Texas voters would support him.

"The city dailies . . . made much use of such value loaded words as 'rabble,' 'disgruntled,' 'ignorant,' 'radicals' in describing Hogg's following."¹⁷⁰ This was probably one of the causes of the bitterness manifested during the campaigns, particularly in 1892. "Friends parted ways, communities were split into factions, churches, schools and lodges were filled with dissension. . . . As the leaders got their forces organized, and as the campaign grew warmer, practically every man in the state fell in line on one side or the other."¹⁷¹

At each political gathering the audience listened to practically the same speeches that were given at Weatherford (Clark) and Wills Point and Dallas (Hogg). The Governor "continued his defense of his administration and seemed not to tire. The more he campaigned the more vigorous he became. Clark could not stand the strain so well and grew tired before the campaign was over."¹⁷²

¹⁷⁰Cotner, Biography, 200.

¹⁷¹St. Clair, 3.

¹⁷²Interview with Barry Miller, June 28, 1927, cited in St. Clair, 57.

CHAPTER V

CAMPAIGN OF 1890

This chapter will analyze James Hogg's speech delivered at Rusk, Texas, April 18, 1890, opening his first gubernatorial campaign. The Rusk speech was chosen as a representative speech in the 1890 campaign because (1) it was the first and most complete statement of Hogg's ideas, (2) it was printed in pamphlet form and circulated throughout the state by Hogg and his supporters, (3) it served as a source of common places for all of his later speeches, and (4) Hogg stated that his entire campaign rested upon his Rusk speech.

The analysis of the speech will consider (1) the organization, (2) the use of logical proof, (3) the use of ethical proof, and (4) the use of emotional proof.

Organization

The following analysis of organization in Hogg's Rusk speech will consider (1) thematic emergence, (2) method of arrangement, (3) rhetorical order, and (4) adjustment to the audience.

Thematic Emergence

Hogg clearly stated the main theme of his Rusk speech when he said, "the issue so sharply drawn in the present campaign is, shall corporate power or the state control? The fight is on and the issue

is unmistakably presented. Its disguise by either side would be reprehensible."¹ His statement delineated to the audience the central focus of the speech as well as of the entire campaign. From this theme Hogg argued the proposition that the state of Texas should establish a regulatory railroad commission. The audience at Rusk had gathered to hear what Hogg would do if elected governor, and the central proposition of policy is clearly marked. From the theme that the state, not corporate power should control, Hogg developed deductively his three main arguments in the speech: the power of the railroads is excessive, the railroads are abusing the people, and the commission is the answer. In addition to this primary theme he discussed three additional programs: free public schools, land corporations, and a Confederate home. These issues were discussed late in the speech and little emphasis was placed on them.

Method of Arrangement

In the Rusk speech the division and arrangement of the material is logical in order. Of the types of logical order described by Thonssen, Baird and Braden,² Hogg's speech may best be described as a discussion of policy. He developed the abuses argument to amplify the "felt difficulty" and contrasted the

¹The Rusk speech is found in printed pamphlets and hand written notes in the Archives of the University of Texas Library, Austin, Texas; the Dallas Morning News; the Fort Worth Gazette; the Texas Farmer; Raines, Speeches; and Cotner, Addresses. All subsequent quotations within this section are from the Rusk speech unless otherwise indicated.

²Thonssen, Baird and Braden, 474.

inadequacies of the current method of control with the railroad commission, pointing out the superiority of the commission.

Rhetorical Order

During the 1890 campaign Hogg carried with him a small pocket ledger book containing pertinent facts, data, and names of leaders in towns and cities across the state. Inside the front cover of the book was the following outline of his Rusk speech:

- I. Acknowledgments
- II. Record of Attorney General
- III. Canvass and the Issues
- IV. Railway Regulation
 - 1. History of Highways
 - 2. Their growth
 - 3. Their debts, earnings and expenses compared to governments
 - 4. What the State did for them
 - 5. Their abuses
 - 6. The remedy a Commission
- V. Road Amendment (marked out by James Hogg)
- VI. Public Free Schools
- VII. Land Corporations
- VIII. Confederate Home
- Conclusion³

An examination of the speech indicates that he followed the outline carefully.

Of the 46 pages of the printed copy of the speech, Hogg's introduction made up seven pages.⁴ He introduced his speech with a "common ground" appeal. Describing Rusk as the place where he was born, a playground of his childhood, the speaker asserted his

³The Hogg Collection, University of Texas Library Archives.

⁴Cotner, Addresses, 63-103.

desire to begin his campaign among lifelong friends and associates. He continued with a reference to other members of the audience as his friends.

Just after the war, when merely a boy, many of you will remember I left these familiar scenes and generous people to cast my lot among strangers in another county. How they treated and trusted me ask them. Look among this vast concourse and you will see many of those good people a hundred miles from their homes taking part in this demonstration. They have been drawn here by ties of affection that are too strong for dissolution, too pure for other than friends to bear. To them I direct you for an account of myself in all walks of life since I left you so many years ago.

Further establishing his ethos as a man of integrity, Hogg completed his introduction with a review of his past record from road overseer to attorney general. He did not preview the body of the speech.

Introduced by a statement of the thesis, the body of the speech covered four main points as set out in his outline; however, only the railway regulation issue was fully developed. With little development he mentioned his campaign promises regarding public free schools, land corporations, and the Confederate home. His treatment of railway regulation covered 35 pages of the printed speech, and the discussion of the other issues occupied only 4 pages. This distribution indicated the importance Hogg placed upon the railway regulation issue.

The transitions and signposts denoting the separation of his main points were clear. He began each of the major divisions of the body of the speech with logical appeals to establish his position and concluded each division with an emotional appeal.

Hogg concluded the Rusk speech with an emotional appeal of the destiny of Texas under law.

She welcomes immigrants but on condition that they obey her laws. On high principles of equality and justice to all under the law, before the law, let her proclaim to and assure civilization that life, liberty and property are guaranteed safety within every section of her dominion and there can be no restraint or influence that will check the great influx of brawn, brains and capital. Let the world know that in Texas the

'Sovereign law, the State's collected will,
O'er thrones and globe elate
Sits empress--crowning good, repressing ill,'

and copious showers of prosperity will pour in on us from every land and every clime.

Analysis of the Organization in Terms of Audience Adjustment

The introduction suggests careful adaptation to Hogg's immediate audience, particularly in the extended development of the "common ground" which he shared with his audience. Hogg capitalized on his past experiences with the people of Rusk and the surrounding area to secure a sympathetic hearing for his ideas.

The body of the speech reflects Hogg's recognition that he was addressing two audiences: his immediate listeners in Rusk and a larger audience which would be reached by his ideas through press coverage of the text of his speech and the circulation of privately printed copies of it. The thoroughness with which he developed the critical railroad issue suggests his awareness of, and adaptation to this larger audience in the body of the speech. The intensive coverage of this issue was necessary since the speech was the initial statement of his position and was published and distributed statewide.

Logical Proof

Argumentative Development

In the Rusk speech Hogg discussed seven contentions: (1) the state has the right to regulate the railroads, (2) the railroad industry possesses excessive power, (3) the railroad industry is perpetrating abuses upon the people, (4) a regulatory commission with plenary powers can control the railroads, (5) the state should support public free schools, (6) land corporations must be controlled, and (7) a Confederate home should be established.

The State Has the Right to Regulate Railroads.

The foundation of Hogg's entire case for regulation of the railroads was the contention that the state had the legal right and the obligation to regulate them. He maintained that both English common law and the Texas Constitution of 1876 gave the state this right. Developing this idea, Hogg contended that it was a principle of common law that whenever a business was operated in the public interest that business ceased to be a private concern, and the public had a voice in its operation. This principle as stated by Lord Chief Justice Hale of England over 200 years earlier was quoted in the United States Supreme Court decision of Munn vs. Illinois, which applied it to the regulation of railroads.⁵ As a result of this decision the framers of the 1876 Texas Constitution indicated that

⁵Munn vs. Illinois, (94 US 126).

railroads were "public highways" and that railroad companies were "common carriers."⁶ Hogg stated that these principles are "expressly so declared by the Constitution and the common law."

Hogg further argued that in order for public highways to be built and maintained the state had entered into a charter or contract with a corporation. This charter gave the builder the right to collect tolls or rates for the use of the road, while the state retained the right to limit the amount charged for the tolls.

Hogg contended that as long as these companies, created by the state for the convenience of the public, were small the charter arrangement worked well; but when the companies began to grow in size and power, they revolted against control by the state. Building on this idea, Hogg asserted that the railroads, on the other hand, had declared themselves private corporations; therefore, the rates set by any law or commission were a violation of the 14th amendment depriving them of property without due process of law, a form of confiscation. According to Hogg, this railroad argument ignored all of the U. S. Supreme Court decisions giving the right of regulation to the states.

Further, Hogg also claimed that the railroads contended that they had the same legal status as a private citizen; hence, the state had no right to regulate them. Hogg denounced this tactic as a method of confusing the issue, declaring that the railroad orators

⁶Article X, Section, Texas Constitution, Texas Almanac, 1969, 517.

"know better" and accused them of sophistry. He then compared the differences between the rights of individuals and of corporations. Throughout this contention Hogg attempted to prove the state had legal grounds for the establishment of a regulatory commission with plenary powers.

The Railroad Industry Has Excessive Power.

Hogg's second major contention in the Rusk speech was that the railroad industry had grown large enough to wield excessive power. His argumentation focused on the economic power the railroads had at their disposal. The point Hogg attempted to make was that since the industry was so large and powerful and was able to control such an enormous amount of the state's economy, it would take a significant amount of power to bring the industry under control. This argument formed the basis for Hogg's advocacy of a railroad commission with sufficient power to counter that of the railroad industry.

The Railroad Industry is Perpetrating Abuses upon the People.

The third major contention in the Rusk speech was that the railroads were by their discriminatory practices abusing the people of Texas. The primary abuse discussed by Hogg was the excessively high traffic rates charged by the railroads. He claimed that the power to set rates or to change them without notice was vested in the traffic managers, whom Hogg described as men who "never saw Texas, bending over their desks in New York, Chicago, St. Louis

and New Orleans, and the only questions in their minds as to how much the traffic would bear." He concluded that there were three reasons for high rates: (1) the issuance of watered stock, (2) the long haul and short haul practice, and (3) the granting of rebates and discriminatory rate fixing.

According to Hogg, the Constitution limited the issuance of stock by railroads to the purpose of construction or major repairs. Hogg's position was that the building and repair did not justify the amount of increased capitalization by the industry. He contended that the stock and bonds sold on the market were not for new construction or repair; hence, they were fictitious.

In Hogg's analysis the railroad position was that its indebtedness was not the public's concern. Hogg responded by affirming that the financial condition of the industry was the business of the people, because the only way the railroad debts could be paid was by increased charges for passenger and freight rates. Hogg further asserted that stocks and bonds bear interest which must be paid out of the railroad's earnings or the line would be put into receivership which would be even more expensive. All of these debts plus the usual operating expenses must be paid. According to Hogg, the issuance of fictitious stock and bonds was the basic reason for high rates.

Hogg then contended that the second reason for unfair rates was the long haul-short haul practice. As Hogg developed it, the problem was that manufacturers outside the state could ship to a point in Texas at a lower cost than Texas manufacturers could ship

to local markets. Hogg accused the railroads of discrimination in favor of out-of-state producers, a definite disadvantage for Texas industry and a significant factor in perpetuating the colonial economy of Texas.

Hogg's third reason for high rates was the policy of granting rebates and free passes. He claimed that information concerning rebates was considered confidential railroad business; therefore, actual data as to the extent of this practice was not available. Hogg concluded that rebates and passes were a common practice and that rebates were actually a loss of income to the railroads which had to be made up by increased rates charged less favored shippers and passengers. He claimed that the abolition of these abusive practices would reduce rates.

A State Regulatory Commission with Plenary Powers Can Control the Railroads.

Hogg's fourth major contention in his Rusk speech was that a regulatory commission with the power to make and enforce rates was an effective means of regulating the railroads and correcting the current abuses. He pointed out that three methods had been tried in the history of railroad regulation in Texas. The railroads had made attempts to regulate themselves, the state had attempted to enforce the provisions of each company's charter, and the legislature had enacted laws aimed at effective regulation. According to Hogg, each of these methods had proved ineffectual. Hogg reminded his audience that the Constitution had ordered laws enacted to establish some form of control, but the legislature had been unable to fulfill

its obligation. Therefore, Hogg contended that a commission with plenary powers was necessary.

The State Should Support Public Free Schools.

Hogg's fifth contention was that he was in favor of the support of the public schools of Texas. He asserted that while the current school term lasted a little more than four months, the Constitution specifically required a term of at least six months in length. Hogg maintained that the mandate of the Constitution must be obeyed even if an increase in taxes was necessary. He included the state university and the agricultural and mechanical college in his promise of support.

Land Corporations Must Be Controlled.

The sixth contention in Hogg's Rusk speech was that state control must be exercised over land corporations. Hogg reminded his listeners that the Constitution prohibited perpetuities and monopolies, and he asserted that this provision was aimed at all corporate power but especially their ownership of land. Since land companies owned or controlled about one-fourth of the land in the state, Hogg concluded that this was equivalent to a monopoly. He asserted that great blocks of pastoral land, some over 1,000,000 acres in size, were owned by "aliens, English lords, syndicates and corporations" and were managed by agents since the owners lived outside the state. Hogg's position was that these were monopolies and perpetuities and, therefore, were forbidden by the Constitution.

A Confederate Home Should Be Established.

Hogg's final contention was that a home for Confederate veterans should be established. He argued that the state owed its veterans some form of compensation for their services, and his recommendation was that a home for them be built and maintained by the state.

Forms of Support

Thonssen, Baird and Braden point out four categories for analyzing the development of an argument: (1) inference from deductive patterns, (2) inference from specific instances, (3) inference by analogy, and (4) inference from causal relations.⁷ In addition to these four, appeal to authority played a significant role in Hogg's oratory and will be considered in this analysis. It will be the purpose of this section to analyze each of Hogg's contentions in light of these five methods.

Inference from Deductive Patterns

Hogg developed six contentions discussed in the preceding section by the use of inference from deductive patterns; the final contention will be discussed in the section on emotional appeals. These arguments may be cast into the following categorical syllogism:

(1) Major Premise: Any industry serving the public interest
should be regulated.

Minor Premise: The railroads are serving the public
interest.

⁷Thonssen, Baird and Braden, 402-411.

- Conclusion: The railroads should be regulated.
- (2) Major Premise: Any industry that possesses economic power greater than the state should be regulated.
- Minor Premise: The railroad industry possesses economic power greater than the state.
- Conclusion: The railroad industry should be regulated.
- (3) Major Premise: An industry charging excessively high rates must be regulated.
- Minor Premise: The railroad industry is charging excessively high rates.
- Conclusion: The railroad industry must be regulated.
- (4) Major Premise: An effective means can control the railroads.
- Minor Premise: A commission is an effective means.
- Conclusion: A commission can control the railroads.
- (5) Major Premise: Anyone who supports the Texas Constitution will provide for the support of public free schools.
- Minor Premise: I [Hogg] support the Constitution.
- Conclusion: I [Hogg] will provide for the support of the public free schools.
- (6) Major Premise: Anyone who supports the Constitution will forbid corporate land monopolies.
- Minor Premise: I [Hogg] will support the Constitution.
- Conclusion: I [Hogg] will forbid corporate land monopolies.

Analysis of these arguments reveals their syllogistic forms to be valid if the premises are true. Hogg supported the premises with specific examples, analogies, comparisons, causal reasoning, and appeals to authority. The support for the premises must be examined and evaluated before a final conclusion can be reached regarding the reliability of Hogg's logical appeals.

Inferences from Specific Instances

To support the premises in the Rusk speech, Hogg used argument from specific instances seven times. His first use of argument from specific instances was to support the major premise in his first syllogism. Arguing that the state had the right to regulate the railroad industry, Hogg's major premise was that any industry serving the public interest should be regulated. He supported this generalization by citing instances in which Virginia, Tennessee, and other states had set tolls and fees for the use of the old turnpike roads. These states had decreed that the roads were for all the people and had granted the road builders charters to construct the roads. According to Hogg, two ways existed to pay for the building of the roads. The first was by taxing all of the people in the state. He concluded, however, that the states in his examples had not thought it equitable to charge everyone for roads that not everyone used. So, he concluded, the states set fees to be levied for the use of the roads. In this way the owners of the roads had revenue to pay for the building and maintenance, and the states reserved the right to establish maximum tolls and fees. Hogg argued that because the roads were

operating in the public interest; the states had the right to regulate them. From these examples Hogg generalized that any industry serving the public interest should be regulated.

Although Hogg claimed that these roads were representative examples, the major question regarding his use of these examples is whether they were sufficient in number to warrant his conclusion. Hogg was perhaps aware of this weakness; he attempted to broaden the base of his generalization by reference to the fact that many of his listeners remembered the old turnpike roads. However, the support remains questionable because of the limited number of examples.

Hogg's second use of specific instances in the Rusk speech was to support his contention that the industry was charging excessively high rates. He posited in his major premise that an industry charging unnecessarily high rates must be regulated. His minor premise was that the railroad industry was charging excessively high rates. Hogg insisted that high rates resulted in part from watered stock and bonds which, according to the speaker, was a common practice among the railroads. To support the claim that it was a common practice he cited seven examples of the fraudulent stock issues. The same point was made by each example, and the International and Great Northern stock practices were typical of his argumentation. According to Hogg, the I&GN was 126 miles long and cost originally \$7,000 per mile to build. Hogg contended that the company sold interest bearing bonds to cover the cost of this construction and offered an additional \$5,000 of stock per mile to be granted to the owners, making a total indebtedness of \$12,000 per mile on this one line.

The line was sold to Jay Gould, who issued bonds to defray his "expenses," bringing the total indebtedness to \$35,000 per mile. Hogg argued that the same practice occurred on the Texarkana Waco, the Houston and Texas Central, the Texas and Pacific, and St. Louis Arkansas and Texas Lines.

These seven companies clearly demonstrate that the practice of issuing watered stock and bonds did exist; however, two questions are raised by Hogg's use of these examples as a basis for his broader generalization. First, there is the question of the sufficiency of the number of instances stated by Hogg, since he indicted only seven of over fifty railroad companies operating within the state.

However, the limited number would not be as crucial except for the second question of the representativeness or typicality of these instances. Each of these seven lines was controlled by Jay Gould. Whether or not Hogg was engaging in a personal vendetta against Gould by selecting his lines is not clear. However, the use of railroad lines belonging only to Jay Gould does raise questions as to whether their practices typified those of lines not owned by him. But since it was also true that Gould controlled the majority of the largest lines operating in Texas, Hogg's limitation to Gould's practice might not prejudice the representativeness of his examples as much as this analysis might indicate.

Furthermore, the assumption that these railroads were sufficient in size and prestige to be the cause of all high rates in Texas was never proved. Hogg nowhere indicated the specific link between the high rates and the fraudulent stock practices. But if this line

of reasoning was true, the control of the stock and bond practices of the railway companies would alone provide sufficient control to alleviate the high rates. If high rates continued to exist, some pernicious motive on the part of the industry must be proved, and this was never done.

To support the same minor premise that the industry was charging excessively high rates Hogg also argued that the long haul-short haul practice produced high rates. He used the example of a carload of lumber shipped from Lake Fork, Texas to Omaha, Nebraska. To ship from Lake Fork to Dallas, a distance of 86 miles, cost \$80 a carload; from Lake Fork to Omaha, \$88. On the same line and route, this lumber had to pass through Salisbury and Texline, Texas. The rate from Lake Fork to Salisbury was \$112 and to Texline, \$128. From this example Hogg generalized that the rates were unfair in the long haul-short haul principle. Asserting that he could "go on with these instances without limit, and only state facts familiar to you all," he concluded that the examples he offered were typical of the discrimination made by the railroads against the people of Texas.

Hogg's fourth use of argument from specific instances occurred in support of his contention that an effective railroad commission could regulate the industry. Hogg's major premise was that an effective means could control the railroads; his minor premise was that a commission was an effective means. To support that minor premise, Hogg utilized the method of residues. According to Hogg, only four methods of control are available. He argued that three methods had been tried and failed. The railroads' attempt at

self-regulation was the first method cited. Hogg generalized that this method would not work and cited two examples as proof. The first example was the Texas Traffic Association which was partially effective but was illegal; Hogg had it disbanded when he was attorney general.

The second example was the "gentlemen's agreement" between Gould and Huntington. The result of this agreement was that the state was divided into two parcels with each man controlling a section. No significant benefit to the people was realized. Because each example had failed to achieve effective control of the railroads, Hogg concluded that the method would not work.

Hogg then identified a second type of railroad regulation as control through charter provisions. According to Hogg, these charters were virtually ignored and were ineffective. In order to force the companies to live up to their charters it was necessary for the state to bring suit against them for each violation. Consequently, Hogg claimed, the use of charter provisions to control the railroads would not work.

The third type of regulation Hogg mentioned was the laws enacted by the state legislature. The Texas Constitution instructed the legislature to set maximum rates. Hogg stated that this method was impractical because: (1) there was too much work for the legislature to handle in the regular bi-annual sessions which were limited as to length, (2) there was not enough expertise in the legislature regarding complex railroad problems, and (3) there was no demonstrated

interest on the part of the legislators to undertake such a labor.

Hogg concluded this argument by saying,

No one or a hundred of our representatives, coming from the different parts of the State, unskilled in railway management and affairs, within the limited time allowed them under the Constitution to remain in session, could prepare a schedule of rates just to the people and to the railways. I have before me a tariff schedule, covering the various and almost limitless articles of commerce, used by one line of road, that will cover almost as much space as is occupied by the session acts of any Legislature of this State. It begins with and exhausts the table of numbers and alphabet in the enumeration and classification of traffic.

The speaker described the articles of commerce found in the traffic schedule and indicated their divisions by weights and carload lots.

He concluded that,

While this schedule of rates as governing that company, if adopted by the Legislature, might probably be just and fair to that railroad and the public along its line, yet as applied to a different road in a more sparsely settled section, it would be destructive of the interest of the railroad, or if used by another line penetrating a more thickly settled and prosperous portion of the State it would amount to extortion upon the people along its way. Then to prepare a schedule of rates adapted to every line of road and section of the State by so unwieldy a body of men as compose our Legislature would be a useless job, fruitful alone of complicated and embarrassing results. A failure to pass such a law, when the Constitution for so many years made it a duty of the Legislature to do so, ought to be proof sufficient that it can not be done; or if it can, railroad influence is strong enough to prevent it.

According to Hogg, clearly the legislative controls over the railroads were not effective.

Hogg's conclusion that the commission was the only method of control appears reliable. The four methods of control exhaust all the possibilities. All other forms of regulation except the commission had been tried in Texas and failed.

To support the same contention that an effective means can control the railroads, Hogg used another argument from specific instances. He cited the Georgia Railroad Commission as an example from which to generalize that the railroad commission was an effective means. The Southern Mercury, an agrarian newspaper, had extolled the virtues of the Georgia agency. Describing the success of the Georgia Commission, Hogg said, "Perhaps the state most familiar to you all will do to cite as an example of what Texas can do with one [a railroad commission]." He then listed the rates of a number of commodities stating the rates per weight per mile and concluded that "under the control of a just and wise commission" Georgia "never experienced such an era of prosperity." Hogg buttressed the Georgia example with other states; he asserted that after many years of trial by thirty states only one had abandoned the commission.

Hogg's state papers and documents indicate that he had studied the Georgia Commission carefully and was convinced that it was an effective instrument of railroad regulation. It was also true that the Georgia Commission was known to some of his listeners as a result of a series of articles in the Southern Mercury. It is true that Georgia and 29 other states had railroad commissions; however, Hogg's argument is somewhat misleading when he considers that only Georgia had, in Hogg's terms, an effective commission. Therefore, in a real sense Georgia is atypical and not representative. Strictly on grounds of logic, this example is unreliable; however, it was persuasive due to the information that the audience had.

Inference by Analogy and Comparison

Hogg employed only one clear example of inference by analogy. To support the argument that the power of the railroads was excessive, he argued that it is a fundamental principle in life for a parent to be able to control the child in order for the child to attain its full potential. According to Hogg, this parent-child relationship was analogous to the state-corporation relationship. Hogg's conclusion was that the child (corporation) was rebelling against the control necessary for it to reach its full potential.

This analogy was weak. To conclude that the state and the corporations enjoyed the same relationship as parent to child was tenuous. Hogg attempted to bolster the analogy through the use of exposition and argument, but the acceptance of the entire analogy was dependent upon the validity of the implied relationship between the state and corporations. If this relationship was not accepted, the entire analogy fails. To argue from analogy and have half of it in doubt is a poor technique.

Secondly, one particular similarity between the child and the corporation is difficult to defend. The assumption of the analogy was that the parent created the child and that the state created the corporations. This unit of similarity was not acceptable. To say that the state "created" the corporation is faulty. It is true that corporations were granted charters by the state which allowed them to function, but this activity does not correlate with creation.

A third objection to Hogg's analogy is his conclusion that control was necessary for growth. Hogg based this conclusion upon the idea that, just as a parent controls a child to further a child's growth, so the state must control the corporation to further the corporation's growth. The differences between the two units of the comparison are significant enough to reject this aspect of the analogy also.

Another support for the claim that the power of the railroads was excessive was a comparison between all the railroads in the nation and the world economy. Hogg said that in "round figures the liabilities of these roads, according to their own admissions amount to \$9.6 billion. This is \$100 million more than the whole active circulation medium of the whole civilized world."

This comparison, if his data were true, proved that the railroads were large. However, it does not necessarily prove that they possessed excessive power. At no point does Hogg link the size of the railroads with their exercise of excessive power. He left the conclusion to the audience, and for this reason his comparison fails to be precise. For his argument to work, he would first have to prove that "bigness" equates with "harmfulness;" then his comparison would have established the railroad industry was "bad" because it was "big," and the comparison would be more relevant to the argument he was trying to make.

In response to the argument that the railroads had the same legal status as individuals, Hogg developed a series of differences

between the rights of the individual and the rights of a corporation. This line of argumentation was, in effect, a refutation of the railroad analogy. Hogg drew the conclusion that there is a significant difference between individuals and railroads and that the state has the right to regulate railroads. He stated, "people can vote, corporations can not. . . . Industries can condemn land for the public good, individuals can not. . . . The people create the government, the government creates the corporations."

Inference from Causal Reasoning

Hogg employed effect to cause reasoning to establish why the high rates were charged by the railroads. He stated that there were three causes of high rates: (1) the issuance of watered stocks and bonds, (2) the long haul-short haul practice, and (3) the granting of rebates and free passes. In the first instance, Hogg asserted that watered stock and bonds were one of the major causes of high rates. He contended that the stock and bonds were in reality an expense or debt that had to be repaid by the railroad companies and that the higher the expenses the higher the rates must be since the only mechanism the railroad companies had to make money was through the rates and fees charged to passengers and shippers.

As argued by Hogg, the second cause of high rates was the long haul-short haul practice. This practice was an arbitrary and discriminatory rate setting policy by the railroad company and was, according to Hogg, a major cause of high rates.

In Hogg's analysis the third cause of high rates was the issuance of rebates and free passes. He argued that these practices were in reality losses in income and that loss had to be made up in some way; he contended that the charging of high rates to the less favored shippers and passengers was the railroad's method of compensating for their losses.

In response to the argument that the legislature could control the railroads Hogg also argued from effect to cause. He concluded that no effective regulation had been accomplished in the fourteen years since the Constitution had given the legislature this obligation. He analyzed the causes for ineffective regulation by the legislature as (1) too much work for the legislators to handle in the regular sessions since they met only once every two years for a limited period of time, (2) not enough expertise in the legislature necessary to set and control rate schedules, and (3) no desire by the legislators to undertake this work.

Hogg's final use of causal reasoning occurred when he contended that he favored the control of land corporations. His major premise supporting that contention was that the Constitution prohibited corporate land monopolies. He opposed the absentee foreign ownership of large blocks of agricultural and pastoral land and accused these corporations of being monopolies and perpetuities, which were forbidden by the Constitution. Stating that "This is a country not of landed monopolies and estates in perpetuity, created and run by serfs and slaves, but is one of freemen that should be

controlled in all things by and for them," he then concluded with the statement of his minor premise that he would support the Constitution.

In this instance, his cause-effect relationship was not clearly drawn. He did not clearly define what the effect of the absentee ownership was, nor did he qualify the degree of abuse to the people or the state. The logical support for this argument was weak. His statement was primarily an emotionalized conclusion that if something was not done the people of Texas faced a future of serfdom.

Inference by Appeal to Authority

Hogg used two authorities as support, the common law and the Texas Constitution. To support the argument that the state had the right to regulate the railroads, Hogg referred to common law. He stated that "the principles which control and govern them [the railroads] today are older than the government itself." He explained that the principles of common law giving the people the right to regulate the railroads were in effect "long before the great author of the Declaration of Independence was born; nor did he ever utter a word to change them or to question their soundness." This obvious reference to Thomas Jefferson and the length of time the principles had been in effect was probably convincing to his audience, an effective supporting device.

The second authority used by Hogg as support was the Texas Constitution. He alluded to this document twenty-nine times in the entire discussion of railroad regulation. The Constitution was the

primary form of support in only three arguments: (1) the state's right to regulate railroads, (2) state support of public free schools, and (3) state control of land corporations.

To support the argument that the state had the right to regulate the railroads Hogg linked the Constitution and the common law as proof. He declared that the Constitution specifically stated this right. In this Hogg was correct: Article X, Section 2 stated that

Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties.⁸

In developing the argument that he would support the public free schools in Texas Hogg cited the Constitution four times. He pointed out that it provided for six months free school and that the current school year was only a little over four months in length. He stated that he would support the Constitution by providing sufficient funds to enable the school term to be six months long.

The third argument supported by an appeal to the Constitution was that land corporations must be controlled. Hogg quoted the Constitution as saying "perpetuities and monopolies are contrary to the genius of a free government and shall never be allowed."⁹ However, the difficulty was that Hogg assumed that land holding

⁸Texas Almanac, 1969, 517.

⁹Article I, Section 26, Texas Constitution, Texas Almanac, 1969, 482.

companies were monopolies and perpetuities. His failure to prove this assumption was a significant omission and weakened the impact of this argument.

Ethical Proof

In assessing Hogg's use of ethical proof in his Rusk speech two elements will be noted: (1) Hogg's reputation prior to the speech and (2) the ethical proof he used within the speech.

Reputation

In choosing his east Texas birthplace as the site of his opening address, Hogg knew that he would be well known to his audience. People from Smith county, where Hogg began his political career and served as county attorney, and from Wood, Raines, Upshur, Van Zandt, and Gregg counties, which he had served as district attorney, joined the citizens from Rusk and the surrounding area to make up the 3,000 people present for the Rusk speech. These people knew Hogg well.

Hogg brought to Rusk a reputation as a champion of the people¹⁰ and a defender of the cause of the masses.¹¹ In his History of Tyler and Smith County Albert Woldert stated that as county attorney Hogg "assumed a lively interest in political questions of the day, and

¹⁰Raines, 7.

¹¹J. W. Spivey to E. Newton, Esq., Bransford, Texas, May 4, 1890, Attorney General's Letter Press.

it was not long before the citizens of the state heard his forceful oratory and the issues which he championed on their behalf."¹²

As district attorney, Hogg incurred the ill will of the lawless element, earned the respect of upright citizens, and gained a reputation for his impartial enforcement of the law.¹³ When he entered the campaign of 1886 for the office of attorney general, his slogan was "Enforce the Law."¹⁴ Upon election to that post he began to battle corporations and combines of wealth. As a result of these battles he was attacked by the railroads and the press, but, according to one of his biographers, the "little people of Texas loved him."¹⁵ R. T. Milner, editor of the Henderson Times, probably reflected public opinion when he described Hogg by saying, "The Attorney General hangs his coat on a peg, places his huge corporal avoirdupois in a big chair and works like a Trojan, and all violaters of the law, whether they be railroad magnates or cattle kings know that he means business."¹⁶

Since Rusk and the surrounding area were primarily agricultural in their economy, Hogg's reputation with the farmers was enhanced by his relationship with the Grange and the Farmer's Alliance. "Both the Alliance and the Grange had long seen in him the honesty,

¹²Woldert, 67.

¹³Raines, 7.

¹⁴Cotner, Biography, 77.

¹⁵Bolton, 35.

¹⁶Langston, 445.

forcefulness, and intelligence that was needed to champion the farmer's cause, not through revolution but through a forthright application of law."¹⁷

Although Hogg was attacked throughout his political career by his opponents and the press, "his political honesty was never questioned."¹⁸ He was called an honest man by friend and by foe alike.

In describing Hogg's reputation, the Fort Worth Gazette seemed to sum up public opinion when it stated that he was "the son of a Confederate General," "orphaned at age twelve," "a self-made man," "self-educated," "a successful editor," and "by the sheer force of natural abilities worked his way up to a leading position at the East Texas bar." The paper continued: "An analysis of his course shows that whenever he has struck a blow it has been in behalf of the people of which he is one himself. . . . Personally Attorney General Hogg would attract attention anywhere. Of tall and commanding figure and dignified presence, weighing over 250 pounds with an eye full of benevolence, but which warns you to beware of its possessor when aroused. Mr. Hogg is naturally a leader of men, and has long been the most prominent figure in the present state administration."¹⁹

¹⁷Cotner, Biography, 208.

¹⁸Dallas Morning News, March 6, 1906.

¹⁹Fort Worth Gazette, April 20, 1890.

Ethical Proof Within the Rusk Speech

This section will analyze the ethical proof used in Hogg's Rusk speech by examining the constituent elements of character, sagacity, and good will.²⁰

Character

The devices used by Hogg to direct attention to his character were (1) to associate himself and his cause with what was virtuous and (2) to link his opponents and their cause with what was not virtuous.

The speech contains numerous references which praise, directly or by implication, both the speaker and his cause. The entire introductory section of the speech was an account of Hogg's fidelity to duty. He maintained that he had faithfully executed his duty in every office from road overseer to attorney general.

In recounting his term as road overseer of Smith county, Hogg stated that he was "not censured now for having done [his] duty then." Hogg indicated that he performed his duties as justice of the peace and county commissioner "by the law, under the law, and according to the law, without impairing the rights of any individual or abridging necessary public demands." He recalled his service as county attorney and district attorney by saying,

Ask any person, white or black, in that county or from any of the six counties that composed the district if any favoritism was shown criminals of any kind, or if official delinquency

²⁰Thonssen, Baird and Braden, 458.

was ever complained of against me. Felonies and all classes of misdemeanors, received full attention under the law according to the law. Ask the people over there what was the effect on the general welfare; ask them if malefactors did not 'stand scattering' while peaceful citizens got their righteous protection.

Reviewing his record as attorney general, he asserted,

In returning here to you, my friends, I offer the record I have made as Attorney General of the State for your inspection. This invitation is made without reservation. While doing so, read every letter, opinion, plea and document that I have written or drawn. No one shall be slighted or refused access to a single book or item in the office. The law requires all my official letters, opinions and acts be kept on record, and it has been strictly obeyed. . . . If it contains a single disreputable act you should out of respect for the good name you bear as a just, honorable people, condemn me as an unworthy son of Cherokee.

Hogg then discussed the major suits brought by his office and indicated the benefits derived by the people as a result of each. In concluding he summarized his success:

Since my induction into the office of Attorney General, of all of the suits I have brought I have never lost but two; nor have I ever taken or applied for a continuance in a single one that I have appeared in. In all this work I have had to aid me only two office assistants and one clerk, and aside from the salaries paid them and myself, the State has not been put to \$2500 cost since I took charge of the office, nearly four years ago.

Hogg further reinforced his image as a man of high principles by demonstrating his allegiance to and support of the Texas Constitution. He introduced each major section of his Rusk speech with a statement of what the Texas Constitution said regarding each argument. He then linked his arguments and proposals to it, demonstrating his fealty to the law and the Constitution. He closed each of these sections with a statement that he would support the Constitution. By doing this he indicated that if he was elected

governor he would demonstrate the same devotion to duty as exemplified by his other elective offices.

The amount of praise of his own acts which Hogg includes does not seem inappropriate because (1) a candidate was expected to defend his record, (2) his record had been attacked by railroad orators, and (3) he wanted to establish himself as a defender of right to those voters who would read the speech as well as to his auditors.

He also enhanced his image by attacking the character of the railroad industry. Throughout the entire speech he pictured the railroad industry as opposed to the rights of the people of Texas. Thus he indicated that as the "enemies" of the people the railroads and those advocating their cause were not virtuous.

In discussing the resistance of railroads to control, Hogg accused them of being lawless when he said,

So long as they were earth and simply turnpike roads but little or not question was raised as to the right of the government to control or regulate them, but since they have become laid with wooden ties and steel rails, ballasted with sea shells, equipped with fine coaches, propelled by steam engines and controlled by millionaires, pools and combines, they are defiant of law and revolt at public control in all aspects.

He further attacked the character of the railroads by saying,

By their combination of power, concentrated as it is at a few central points out of the state; governed as they are by a few syndicates in defiance of law, they will not voluntarily yield to the demands of the public that their affairs should be controlled or regulated. Varily the creature has grown greater than the creator, and with culpable impudence proclaims:

'Lay thy hands upon thy laws; I fear them not'.

Hogg accused the railroads of corrupt political practices in the "employment of influence" and "corrupt uses to defeat the

will of the people." He asserted that "When they demand an amendment to the fundamental law defeated at the polls, they have only to express their wish and talent, on fleet wings, flies into service."

Hogg's argument claiming that the railroads had issued watered stock and bonds was a further example of the dishonest activities with which he associated the industry in his Rusk speech.

Sagacity

A speaker may establish his sagacity by the way in which he handles his materials to demonstrate "intellectual integrity and wisdom" and "a broad familiarity with the interests of the day."²¹

Hogg's use of logical appeals in his speech aided indirectly in demonstrating that he was a man of intelligence. His use of deduction and clear statements of his arguments indicated his position on the various issues. His liberal use of specific instances and examples aided the audience in concluding that he was knowledgeable.

The comments of critics suggests that Hogg's listeners were impressed by his use of logical appeals. Evaluating Hogg's speech, former Governor Oran M. Roberts observed:

Being prepared with the necessary data which he had collected, he exhibited what he had done in the endeavor to protect the rights of the people, and with figures and facts from the records displayed the operations of the railroad companies with such an exhaustive exposition as had never been combined and presented to the public view; which being published in the papers all over the State, produced a sentiment in his favor, especially

²¹Ibid., 459.

with the producing classes, that has seldom been so thoroughly manifested for any candidate for governor of Texas.²²

Even the Dallas Morning News, a newspaper staunchly opposed to Hogg said that for his line of argument the speech was a "masterpiece" and evidenced "long and careful preparation" and "ingenious elaboration." The newspaper account also stated that his position on the issues was made obvious by his explanations.²³

A further demonstration of Hogg's sagacity was his familiarity with the current issues. The leading issue of 1890 and the central argument of Hogg's speech was railroad regulation. Through exposition Hogg clarified the problem by tracing the evolution of transportation from early dirt roads to the modern railroad industry, the economic development of the railroad industry, the history of railroad regulation in Texas, and the causes of current railroad abuses. Each of these was traced chronologically and portrayed Hogg's thorough knowledge of the background of the problem.

He also indicated his legal knowledge by his numerous references to English common law, 5 times; allusions to United States Supreme Court cases and their principles; the Texas Constitution, 35 times; and Texas statutes.

²²Roberts, 283.

²³Dallas Morning News, April 20, 1890.

Good Will

Bryant and Wallace state "An important means of influence is based on the well-known tendency of an individual to identify himself with someone he admires. . . . A speaker tries to make his proposition acceptable by pointing out ways in which it conforms with, or is consistent with, interests, values and beliefs to which his audience already subscribes."²⁴ Burke called this technique consubstantiality and clarified this "oneness" in persuasion as speaking the listener's language by "speech, gestures, tonality, order, image, attitude, idea, and identifying your way with his."²⁵ Bryant and Wallace further indicate that this strategy is related to the classical term ethos and the principle is both ancient and modern.²⁶ Hogg revealed his good will through his identification with his audience and their problems.

Hogg began his Rusk speech by acknowledging that he had returned to Rusk "in obedience to natural impulses" to begin his canvass "among his lifelong friends." He described his former neighbors in Cherokee and the surrounding counties as "generous," "good," "peaceful people," "armed strong in honesty," "people who possess integrity themselves, believe others do, have confidence

²⁴Bryant and Wallace, 232.

²⁵Kenneth Burke, Rhetoric of Motives (Los Angeles: University of California Press, 1969), 55.

²⁶Bryant and Wallace, 231.

in their officers, and are willing to trust them." After having praised the good character of his audience, he reviewed his record of public office to indicate that he possessed the same traits of character.

Throughout the speech he discussed problems which were currently plaguing the people. The material used in his discussion of railroad abuses included local as well as statewide statistics indicating that although he had been away from the area for years, he retained his interest in local problems. He aligned himself with the people against the railroads in the fight to enforce the law and insure justice for every citizen in Texas.

Emotional Proof

Since the main theme of the Rusk speech was the question of whether the state or corporate power should control, the issue was emotionally charged. Hogg pictured the people in a struggle with corporations who not only challenged the power of the state government but victimized the people financially. This emotional atmosphere was especially true at Rusk where the audience was comprised mainly of farmer, ranchers, and small businessmen. To support his proposition that the state should control, Hogg appealed to justice, fear, anger, pride, and sympathy.

Justice

Hogg supported his contention that a plenary commission was an effective means of railroad regulation with an emotional

appeal to justice. He asserted, "Three trusted citizens, however, selected for their ability, peculiar fitness for the work, integrity, pure sense of justice and regard for the public welfare, could with much propriety and respect for the interest of the railways and the people prepare and apply a schedule of rates suitable to the varied conditions of the railroads and the commercial interests of every section of our State." Hogg thus advocated that a railroad commission would be just to both the people and the railroads. He made this clear when he said, "When I speak of the public I mean to include every person or corporation within the State, together with the railways themselves. Justice to the public means justice to all under the law; the prosperity of the public means the prosperity of every individual and institution composing it."

The conclusion of the major portion of the speech, the section discussing railroad regulation, was an emotional plea for justice, which, according to Hogg, was what the people of Texas desired and what he as their advocate would work toward.

Let her [Texas] see that our railroad rates are adjusted upon a basis of equality and justice, to the end that our producers, manufacturers and merchants may be placed on an equal footing with their rivals in other States, and the world may stand witness to her people entering the field of competition, where they will remain triumphant with consummate success. Justice and protection is what the people crave. Grant it to them and they will prove equal to the demands in the tempting arena where the survivor, unhampered by schemes of favoritism, receives his due reward.

Hogg closed the Rusk speech with a final appeal to justice.

On high principles of equality and justice to all under the law, before the law, let her proclaim to and assure civilization that

life, liberty and property are guaranteed safety within every section of her domination and there can be no restraint or influence that will check the great influx of honest brawn, brains and capital. Let the world know that in Texas the

'Sovereign law, the State's collected will,

O'er thrones and globe elate

Sits empress--crowning good, repressing ill,'

and copious showers of prosperity will pour in on us from every land and every clime.

The reverse side of justice is injustice. Hogg repeatedly called attention to the railroad industry's injustices. Regarding the abuse of high rates he indicated that when the railroads "need money to foot their bills in the indulgence of high luxuries, the employment of influence, the payment of extravagant salaries or for corrupt uses to defeat the will of the people, they simply raise the rate on the traffic of the country and make the people pay for it." One of the banners displayed at Rusk read "Equal rights to all, special privileges to none." In commenting on this message Hogg indicated that it was "an insult to that cardinal Democratic principle to contend that it is in force today between the railways and the public. Special privileges are given the carriers, and they go unrestrained in the exercise of their wonderful power. Equal rights are accorded to the shippers to complain to their confidential friends in whispering tones of the wrongs done to them."

The long haul-short haul practice was another type of railroad injustice cited by Hogg. "They are discriminating in favor of outside producers, manufacturers and business men against home people; and they will continue to do so unless they are checked by an intelligent commission created and supported by the strong arm of the law.

Gross injustice in their charges can be felt and seen on every hand. Examine them and you can not be misled."

Anger

The second emotion to which Hogg appealed was anger. He linked the abuse of high rates to the argument of excessive power. He stated that the people had little recourse in the courts to alleviate any of the abuses. He appealed to a deep seated anger against the railroads when he charged that "they are making a truck patch of Texas to supply the extravagant wants of their owners who reside abroad in flourishing cities. If the public complain their reply is a derisive snigger, a contemptuous smile, a defiant look, an ominous shake of the head, or as one of their most distinguished representatives stated it, 'Let the people be damned.'"

Hogg knew his audience was primarily farmers, ranchers, and small business men, people accustomed to earning their living. He probably aroused their anger against the railroads by referring to the instant wealth of railroad men. In discussing the watered stock and bond practices, the source of this instant wealth, Hogg cited the example of Jay Gould who in one transaction made over \$3 million "without a single honest day's labor. The traffic of the country has to bear increased tolls and rates to pay it." Hogg also contended that "Their bonds are increased in proportion to traffic receipts to justify the maintenance of high rates to prevent any dividends on this stock as an easy means of filling up the country

with millionaires." He indicted the traffic managers by saying "they will always put them [rates] high enough to pay exorbitant expenses, to afford high salaries for a useless horde of idle officers and to meet interest on their indebtedness."

The list of railroad abuses and injustices enumerated by Hogg probably aroused the anger of his listeners. These discriminatory practices included preferential treatment of foreign shippers, extortion by means of high rates, unfair practice of rebates, and free passes.

Fear

Hogg appealed to fear to support the contention that the power of the railroads was excessive. He indicated that this power threatened not only the state but the federal government.

They are growing in strength so as to threaten not only the legislative and executive departments with their overshadowing powers, but they are reaching out and threatening to grasp and throttle the tribunals of our country. . . . Where it is possible they make every effectual and deadly strike at the powers of the States to control their affairs. . . . When that day comes it will strain the patriotism of the remainder of the people who are left upon one side, and the ability, talents and capital of those who are on the other, to keep down the mob, to restrain the commune or to suppress the anarchist. . . . It will not be difficult to understand what most threatens our independence in the future.

A further use of the same emotion occurred when Hogg contended that the large holding companies would become powerful enough to retard the growth of the state. Supporting this argument with an appeal to fear, he stated that if the holding companies kept land off the market, they would deprive the people of land to purchase

and the people would "become tenants subject to the will of those who own their homes. In time they grow poor, diseased, degenerate and servile. When that period is reached the underlying principles of our government will be known only from the blotched leaves of history."

Pride

Hogg appealed to state pride at the conclusion of his discussion of railroad regulation. He had praised the success of the Georgia Railroad Commission and indicated that with a plenary commission Texas could insure her future.

Situated as Texas is, containing an area of 176,000,000 acres of land adapted to horticultural, agricultural and pastoral products and pursuits; possessing unlimited soils and mineral wealth, with all the timber, fuel and building material demanded by the extravagant wants of a proud people; having a coast of 500 miles upon the gulf way, accessible to all the competing markets of the world over the natural and great highway of commerce, removed as she is so far from the markets by all rail routes, she is peculiarly surrounded and situated as an independent state, capable in all things of controlling with justice, fairness and liberality all her domestic and internal affairs, even to the regulation and control of the traffic rates of her railroads, to the end that no part or portion of her public or people shall suffer by the domination, rapacity or abuse of another.

Sympathy

Hogg's final contention in his Rusk speech was that the state of Texas should establish and maintain a home for Confederate veterans. He supported this contention with an appeal to sympathy for the "wounded, maimed, disabled . . . who participated in the

great fratricidal conflict so many years ago." Hogg maintained that the home should be built "not as a charity, but in settlement of a debt resting in the honor of the sovereign State, which ever expects and ought to have the fealty of its citizens. . . . It should be one within whose precincts no inmate would feel as a pauper, but like an independent proprietor, surrounded by all the comforts of the home he lost when he responded to his country's call--an elysian retreat where the pains of his wounds in declining years could be soothed by gentle hands and his state's ingratitude forgiven and forgotten."

Summary

Hogg's Rusk speech was a carefully prepared statement of his platform delivered before an enthusiastic audience comprised of Hogg supporters from East Texas. He had the speech printed and circulated throughout the state. The speech was organized deductively with specific instances and effect to cause reasoning as the primary forms of support for his premises. His strategy was to stress the power of the large corporations and indicate that if these were not checked they would control the state. Through ethical proofs he emphasized that he was a man of character who represented the cause of the people, while the cause of the corporations was opposed to that of the people. He further buttressed his case with emotional appeals of fear, anger, justice, pride, and sympathy.

This address aroused the press, the railroad orators, and spokesmen for large corporations against him. Because of this

opposition he was forced to go directly to the people for acceptance of his programs.

CHAPTER VI

CAMPAIGN OF 1892

This chapter will analyze three speeches in Hogg's 1892 campaign. Each speech represents a different aspect of the campaign. The three speeches will be Hogg's Wills Point speech, the debate at Cameron, and the Dallas speech of October 1, 1892.

The Wills Point speech is representative of all the speeches Hogg delivered up to the Democratic state convention. This speech was selected for analysis because (1) it was Hogg's initial speech in the campaign, (2) it was the most complete statement of his program, (3) it furnished common places for later speeches, and (4) it was printed and circulated around the state.

Because of the excitement and interest generated by the campaign, Hogg and George Clark, at the urging of the respective supporters, met in debate at Cameron on May 3 and at Cleburne on May 4, 1892. The Cameron debate was selected because (1) it was a personal confrontation with Clark, (2) it was an opportunity to refute directly some of the charges brought against Hogg, (3) it was a significant event in Texas history, and (4) it was printed by the Dallas Morning News and was available to the Cleburne audience the next day.

Hogg spoke four times in Dallas during the 1892 campaign. His address in that city delivered on October 1st will be analyzed

in this study. This was Hogg's first speech after his nomination and Clark's bolt from the party in Houston, an event which forced him to alter his strategy in the campaign. Prior to the Dallas speech the central issue in the campaign was the Railroad Commission; in the Dallas address his major issue was a defense of his candidacy. Representative of all of Hogg's campaign speeches after the convention, the speech is included in this study because (1) it was a departure from the Wills Point speech, (2) it was delivered to a hostile audience, (3) it was a significant change in strategy for the campaign, and (4) it was printed and circulated across the state.

This chapter will analyze the Wills Point speech, the debate at Cameron, and the Dallas speech in the areas of (1) organization, (2) logical proof, (3) ethical proof, and (4) emotional proof.

Wills Point Speech

Organization

The analysis of the organization of Hogg's Wills Point speech will consider (1) thematic emergence, (2) method of arrangement, (3) rhetorical order, and (4) audience adaptation.

Thematic Emergence

The theme in Hogg's Wills point speech was the same as in the Rusk speech two years earlier. The speaker stated that "the logic of the situation produced by results that must be clear to everyone, makes the pivotal point on which this campaign must turn the question of the supremacy of the corporations or the people.

The question is, shall the creators or the creatures control?"¹ In this statement Hogg pointed out that "situations" and "events" had occurred that warranted this theme as the basis for his campaign oratory during the 1892 campaign. During the two years that Hogg had served as governor (1890-1892) his programs had been attacked severely by the press, the railroad orators, and the third party leaders. These events forced him to defend his programs in this campaign.

The statement of the theme was concise and to the point, making it clear that Hogg considered the basic issue of the 1892 campaign to be a matter of who was to control, the state or the corporations. Although the statement of the theme occurred at the conclusion of his arguments and just preceding his peroration, it was implied throughout the speech.

Method of Arrangement

The body of the speech was arranged in a topical order. Hogg stressed four main ideas in this speech: (1) he defended his record, (2) he supported a stock and bond law, (3) he argued for a municipal bond law, and (4) he urged the passage of a corporate land law. Covering 35 pages of the 46 page printed text², the defense of his

¹The Wills Point speech was found in printed pamphlets and hand written notes in the Archives of the University of Texas Library, Austin, Texas; The Dallas Morning News; the Fort Worth Gazette; the Texas Farmer; Raines, Speeches; and Cotner, Addresses. All subsequent quotations within this section are from the Wills Point speech unless otherwise indicated.

²Cotner, Addresses, 186-232.

record as attorney general, (2) his record as governor, and (3) his platform for the future; hence, the internal structure of this contention was historical in arrangement. His last three major points were organized according to a logical pattern with a deductive form of development.

Rhetorical Order

Hogg's introduction was an appeal for identification based upon common ground. The speech was delivered on the fifty-sixth anniversary of the battle of San Jacinto which gave Texas its independence from Mexico. This introduction was an attempt to secure interest and gain attention through an appeal to state pride. Hogg concluded the introduction by stating the major issue of the 1892 campaign proclaiming that "the life of the railroad commission is involved."

Hogg did not preview the body of the speech which centered around four major points. The first, which consumed over three-fourths of the speech, was a defense of Hogg's record with refutation of specific attacks against his programs constituting the logical procedure. The three new issues--the stock and bond law, the municipal bond law, and the corporate land law--consumed eleven of the forty-six pages of the printed text.

The speech concluded with a brief emotional reminder to the audience of the liberties that were won at San Jacinto. Hogg's final statement previewed his entire campaign when he said, "The people will rule Texas. Enforce the law."

The order of the speech denotes a clear separation of the major points; however, internally the organization was not as precise as Hogg's Rusk speech in 1890.

Audience Adaptation

At Wills Point in 1892 as at Rusk in 1890, Hogg was aware that he was speaking to two audiences, his immediate listeners who gathered to hear the speech and a larger audience throughout the state that would be reached by the speech printed in pamphlet form and reported by the press. The Dallas Morning News, the Fort Worth Gazette, and the Texas Farmer each printed the full text of the speech. Thousands of copies of the speech were printed in pamphlet form and distributed by Hogg's supporters in the rural areas situated without benefit of a daily newspaper.

Logical Proof

In the body of the Wills Point speech Hogg set out to do the following: (1) defend the Railroad Commission against attacks, (2) establish the need for a stock and bond law, (3) establish the need for a municipal bond law, and (4) establish the need for a corporate land law. It will be the purpose of this section to discuss the argumentative development and to analyze the logical proof Hogg employed in each of these areas.

Argumentative Development

This section will explain Hogg's argumentative development in his refutation of attacks against the Railroad Commission and the logical development of his three contentions that a stock and bond law was needed, a municipal bond law was needed, and a corporate land law was needed.

Defense of the Railroad Commission

The Railroad Commission had been in operation nine months and in that period many serious questions had been raised and debated in the press, in public speeches by Clark, and in the minds of many voters regarding the need for the Commission. For these reasons, Hogg was forced to present a strong defense of the Commission.

Hogg responded to arguments against the Commission with direct refutation. His refutatory arguments were: (1) the constitutional amendment does not guarantee the life of the Commission, (2) Texas must maintain a plenary commission, (3) the Commission is just and fair, (4) the Commission is advantageous to the people and the railroads, and (5) the Commissioners should be appointed by the governor.

The first step in refutation is "to pick out the relevant and significant points of clash."³ Hogg did this by listing the five state planks in the Texas Democratic platform of 1890: section

³Thonssen, Baird and Braden, 413.

6, the commission law; section 7, the land corporation law; section 8, the free public schools; section 9, the Confederate home; and section 10, the separate coaches law. Hogg clearly identified the central issue in the campaign when he said,

What is it that creates the great commotion now going on in political circles against your present state officers? What fish is it that so recklessly stirs up and muddies the political waters? What is the trouble? Look back and read plank six of the platform. There's the hitch. . . . Of all those planks affecting the state affairs within the platform there is one--only one--the result of which has produced the disturbance now agitating the public mind in this campaign. Read section six carefully and you can not mistake the cause. The people declared for 'an effective railway commission' and they got it. The people may be deceived, but the truth nevertheless remains that the commission clothed with sufficient power to prescribe and maintain reasonable rates for the regulation of railways is the leading issue in the campaign.

After identifying the points of clash, the second step in refutation is to "resolve the contested issues to their lowest logical denominators."⁴ Hogg did this when he stated that plank six, the railroad commission law, was the major point of clash.

The amendment does not guarantee the life of the Commission. In defense of the Commission Hogg argued that the amendment did not correct the railroad problem. The constitutional amendment passed in 1890 allowed the legislature to establish a commission; however, railroad orators argued that the amendment guaranteed the life of the Commission. Hogg responded by first quoting Section X of the Constitution and the amendment; and second by pointing out that the amendment did not specifically provide for a commission, but only

⁴Ibid..

gave the legislature the legal right to establish one. Hogg stressed that the Constitution gave the legislature the responsibility to set rates and to govern the railway industry. The amendment allowed the legislature to pass that responsibility on to another body. Hogg argued that it was necessary, therefore, to elect someone friendly to the Commission; otherwise it would become the "plaything for the railroads."

In summary, many people had been convinced that since the amendment passed, the railroad regulation problem was solved. Hogg argued that the amendment was not enough. It only made the creation of the Commission legal. He also argued that while the amendment gave the legislature the right to establish a commission, it did not make such a commission mandatory. He argued that the people who favored railroad regulation should vote for the gubernatorial candidate who would guarantee the life of the Commission.

Texas must maintain a plenary commission. Since there was substantial confusion as to what was meant by a regulatory commission, Hogg explained that there were three kinds of commissions. The first was an advisory commission which could not fix rates but could only report on wrongs and abuses by the railways and advise the legislature. It had persuasive power only, and its only threat to the railroads was the exposure of wrong doings. Hogg stated that "it would simply amount to nothing in Texas."

The second type of commission was a body which gathered data, made reports on properties, taxes paid, revenue, and the

business done by the various railroad companies. This commission would not have the power to fix rates or to enforce decisions.

A regulatory commission could be one of two types. One had the power to fix rates and not the power to enforce them, while the second had the power to set, maintain and enforce rates. The Texas Railroad Commission was of this type, a plenary commission, and "the" Commission that Hogg supported. These definitions were significant in Hogg's argument because many Texans, including Clark, supported "a" commission. Hogg was adamant in his defense of "the" Commission and demonstrated this in expository form. Each of these definitions was derived from the study of other state commissions in operation at the time.

To clarify further what he meant by "the" Commission, Hogg listed the duties of the Texas Railroad Commission as prescribed by the law, the location of the offices, the powers of the Commission in legal matters, and the general function of the Commission. He concluded his explanation of the kind of commission he was defending as the "most equitable, just and strong one ever adopted by any government. Embodying as it does all the essential elements of 'advisory, 'statistical' and 'regulative' commissions, with power to enforce obedience to its rates, the Railway Commission of Texas has taken the lead of all others in the United States."

The Commission is just and fair. Hogg identified seven arguments that accused the Commission of being unjust to the railroads. These arguments may be grouped into two separate attacks: (1) the Commission law discriminates against the railroads in their legal

rights of appeal and (2) the rates set by the Commission are unfair to the railroad companies.

The Commission law limited railroad appeals on rates to the state court at Austin. Hogg explained that this was to prevent the railroads from bringing suits scattered over the state which would lessen the Commission's ability to deal with them since the Commissioners could not be present at each trial.

Hogg's response to the claim that the rates set were unfair was that the railroads were given ten days notice before any rate change was made and during that period the roads could argue the advisability of the change. He stated that "the railroad shall be entitled to be heard at such time and place to the end that justice may be done and be given process to enforce the attendance of witnesses. In other words, before the commission shall make any rates or pass rules affecting the companies they shall have a full and complete hearing."

The Commission is advantageous to the people and the railroads.

The fourth argument that Hogg refuted in defense of the Railroad Commission was that the rates set by the Commission would be harmful. Hogg's initial response was that the critics of the Commission were inconsistent. He argued that

Some say the rates have been increased to the oppression of the people. Others assert they have been reduced to the ruin of the railroads. The less discrete, reckless ones, with immodest boldness and inconsistency, contend that they have been increased; that they have been reduced; that if they are increased the producers and consumers are oppressed; that if they are reduced neither the producers nor consumers receive any benefit

from the reduction. So they go. By the time the campaign is over they will perhaps harmonize on a consistent line of battle. Until they do so reason and logic will be wasted in great quantities on them without material results.

Hogg then attempted to clarify this inconsistency by listing six "propositions as to the general effect of the commission's work which may be relied on as correct."

1. Rates have not been increased above those in force when the commission took effect.
2. Rates so far fixed by the commission have been reduced below those enforced by the railroads.
3. Low rates on traffic, like cheap excursion rates for passengers, have so stimulated trade that the people and the railways have each been benefitted thereby.
4. That the commission rates have been maturely made after notice, and are therefore regular, equal, and stable, while the rates adopted by the railways were made suddenly, without notice, and were irregular, fluctuating and uncertain.
5. The commission rates and rules prohibit rebates, special rates, discriminations, and extortions. Railway rates produced each of those inequities to trade, impoverishing the many, enriching the few.
6. Every reduction in the rates goes directly to the benefit of the producer and consumer. When drawn down to the line of justice upon the principle of a reasonable return to the carriers on their investment after paying legitimate expenses, stable fixed rates result in prosperity to the railroads and the people.

Each of these six propositions was enumerated and followed by their development. Hogg attempted to clarify the issue of the effect of the work of the Commission.

The Commissioners should be appointed. Hogg identified the fifth attack against the Commission as a dispute over whether the Commissioners should be appointed by the governor or elected by the people. There was much opposition to the appointment concept in

1892, even though it was a part of the commission law. This opposition came from Clark who was opposed to the law altogether and the Populists who favored state ownership of the railroads.

Hogg expressed three reasons why he favored an appointive commission. Each was based on the assumption that the commissioner would be a man of high integrity. He concluded that such men (1) could not be bought, (2) would have a high regard for the public welfare, and (3) would protect the rights of the railway industry.

In response to the elective argument, Hogg argued that (1) the commissioners would have no platform on which to run, (2) the election of commissioners would require a constitutional amendment, (3) there was no plan for continuity of terms, and (4) the power of the railroads would make the election of men favorable to their cause almost a certainty. Hogg also reasoned that in states where the commissioners were elected, commissions had failed. He concluded the discussion of the appointive question by defending the character of John H. Reagan, the Chairman of the Railroad Commission.

The State of Texas needs a Stock and Bond Law.

In 1890, Hogg had argued that the issuing of watered stock and bonds was a significant abuse; he listed it as a major cause for the high rates paid for railroad service at that time. He had reasoned that the Commission would be able to cope with this problem. By 1892, he was convinced of the need for a separate law to deal with watered stock and bonds. On March 14, 1892, he urged the special session of the legislature to pass such a measure. It passed

the House but was defeated in the Senate. By the time of the Wills Point speech Hogg was probably convinced that the only way this legislation would be passed would be to appeal directly to the people and to make the stock and bond law a major issue.

In the Wills Point speech Hogg argued that the Constitution provided for a chartered corporation to issue stock and bonds for two reasons, for new construction and for major repairs. Hogg argued that the amount of stock and bonds issued did not equal the amount of construction or repairs. He further stated that in 1891 no rail-ways were built but that the railroad owners issued new stocks for over \$40 million.

Hogg admitted that the Commission could not control this practice; it was outside their legal jurisdiction. He argued that the practice was unconstitutional, and new legislation was necessary to curb "such outrages on the people."

The State of Texas needs a Municipal Bond Law.

The third major argument in Hogg's Wills Point speech was that, like the railroads, the cities and counties were issuing bonds beyond which they were able to pay. Hogg stated that the present generation was placing burdens on their children to pay for something they did not receive. Hogg argued this law would check extravagance and inspire confidence abroad for investment in Texas.

The State of Texas needs a Land Corporation Law.

As Hogg had argued in the Rusk speech in 1890, at Wills Point he indicated the need for a corporate land law. During his first term as governor Hogg attempted to get this law passed, but the bill failed in the legislature because of lobby pressure brought to bear against it. Hogg argued that a vast amount of land was controlled by land corporations. This control was preventing the individual from owning his own land and was creating a dependence upon the landowners and worsening the tenant farmer situation in Texas. For these reasons, a law was necessary to protect the pastoral lands of Texas from corporate ownership.

Forms of Support

To support his contentions, Hogg relied on four forms of logical appeal: (1) inference from deductive patterns, (2) inference from specific instances, (3) inference from causal relations, and (4) inference from analogies and comparisons.⁵ In addition, argument by exposition played a significant role in Hogg's Wills Point speech. It will be the purpose of this section to analyze that speech in terms of his use of logical appeals.

Inference from Deductive Patterns

Hogg developed the contentions discussed in the preceding section by the use of inference from deductive patterns. These arguments may be cast into the following categorical syllogisms:

(1) Major Premise: The practice of any corporation inflicting abuse upon the people should be controlled.

Minor Premise: The railway corporations' issuing of watered stock and bonds is a practice inflicting abuse upon the people.

Conclusion: The railway corporations' issuing of watered stock and bonds should be controlled.

(2) Major Premise: Any abuse of the law should be controlled.

Minor Premise: The counties' and cities' issuance of excessive bonds is an abuse of the law.

Conclusion: The counties' and cities' issuance of excessive bonds should be controlled.

(3) Major Premise: Anyone who supports the Constitution will forbid corporate land monopolies.

Minor Premise: I [Hogg] support the Constitution.

Conclusion: I [Hogg] will forbid corporate land monopolies.

(4) Major Premise: The platform is the will of the people.

Minor Premise: I [Hogg] obeyed the platform.

Conclusion: I [Hogg] obeyed the will of the people.

Analysis of these arguments reveals their syllogistic forms to be valid. Their reliability depends upon whether the premises are true. Hogg supported the premises with specific examples, analogies, comparisons, causal reasoning, and argument by exposition. The support for the premises must be examined before a full conclusion can be reached regarding the reliability of Hogg's logical appeals.

Inference from Specific Instances

Hogg's first use of specific instances in his Wills Point speech occurred in his explanation of the three types of railroad commissions which other states had tried. He explained that the types were (1) an advisory commission, (2) a statistical commission and (3) a regulatory commission. Hogg concluded through the method of residues that the regulatory commission with plenary powers was the only effective means of control.

In a virtual duplication of his Rusk argument two years earlier, Hogg explained there was a difference between "a" commission and "the" commission. Arguing that there were only three types of commissions, he asserted that an advisory commission was ineffective because all it could do was advise as to what rates should be set, adding that "It had no power." A statistical commission could gather data and could also advise, but again Hogg claimed it "had no power." Of the two types of regulatory commissions, one could set and not enforce rates, while the plenary commission could both set and enforce rates. He concluded that all of these types except the plenary commission were ineffective because they had no power to set and enforce rates. "The" Texas Railroad Commission was an example of an effective commission, a plenary commission. Hogg's conclusion was reliable, because he exhausted the various types of commissions in use; and employing his definition of "effective" as being a commission with power to set and enforce rates, his conclusion was valid.

To prove that the Texas Railroad Commission was benefiting the people, Hogg employed specific instances seven times. The first example was his claim that the Commission had reduced the rate on cotton an average of 46¢ a bale "aggregating a savings to the people of at least \$1,000,000 last season." He further generalized that this type of savings might be forthcoming on other Texas products through the lowering of rates by the Commission.

Hogg's reference to cotton would probably have had audience appeal, since, even in 1892, cotton was the primary money crop in Texas. In 1890 Texas had produced 2,000,000 bales of cotton and a savings of 46¢ per bale would approximate a savings to the people of \$1,000,000. This is especially significant in light of the decreasing price of cotton. In 1890 the cotton crop of two million bales brought \$68,000,000 to the farmer. When the 1890 revenue is compared with the 1887 crop which produced \$88,000,000 for 1.6 million bales, the one million dollar savings to the farmer was significant.⁶

Specific instances were also used by Hogg to prove the Commission was advantageous to the railroads. He cited four Texas railroads and described the economic benefit which came to each as a result of the Commission. He generalized from these examples that the Commission was advantageous to these railroads and in time would be advantageous to all the railroads in Texas. The first railroad was the International and Great Northern which had an "increased surplus earnings for the commission period aggregate \$233,934.82."

⁶Cotner, Addresses, 205n.

For the same period the Galveston, Houston and Henderson had increased gross earnings of \$44,578.39. The third example was the Cotton Belt which had increased gross earnings of \$321,895.60. "The records of the Houston and Texas Central and several other roads present quite as favorable conditions. Two or three only show reduced earnings during the commission period compared with the corresponding months of the preceding year."

Further developing his claim that the Commission had benefited the railroads, Hogg contended that most Texas railroads had profited from the lower rates. He cited three examples of such benefit. He asserted the Houston and Texas Central and several had also benefited.

Hogg's examples are inadequate proof due to insufficient number and the scope of time covered in his sample. Although the railroads did benefit financially at a later time, Hogg's evidence was adequate to prove only that four lines were prospering in the short period that the Commission had been in operation.

Using Wills Point as a base, Hogg listed nineteen examples to show that the Commission had lowered rates on commodities. Stating that these rates replaced the former discriminatory practices of the railroads and were in reality stimulating the Texas economy, Hogg argued that these examples proved what the Commission was doing for the people.

It is difficult to ascertain the total number of commodities produced in Texas in 1892 in order to determine if this was a representative sample. The list included all of the major agricultural crops and manufactured goods such as lumber, bricks, furniture, and

steel. There seems to be little difficulty in accepting the representativeness of these examples. The list was effective as a persuasive device. The people wanted relief from high rates, and the comprehensive report of lower rates was, no doubt, impressive to Hogg's audience.

To support his argument that the commissioners should be appointed by the governor, Hogg argued that the railroads everywhere had clamored for the election of the commissioners. He cited one unnamed state where railway power combined with the Republicans "elected obnoxious commissioners and the law was promptly repealed." Hogg identified Georgia as a state in which the railways had attempted to get the commissioners elected but failed.

Hogg's reliance upon the Georgia Commission for support of the Texas Commission was probably effective, since he identified the Georgia Commission as the only other effective commission. Taken as a class, by Hogg's definition of effectiveness, it was sufficient in number. The example of the unnamed state did little to support his argument.

To support his advocacy for a stock and bond law, Hogg presented statistics to demonstrate the amount of watered stock and bonds issued by the railway companies. His generalization was that this issuance was excessive. This was essentially the same argument he employed in his Rusk speech. At Wills Point he stated that the aggregate issue of stock and bonds by the railroads in the nation was \$9.8 billion more than the national debt. Hogg also asserted that "In Texas, no railroads were built last year, yet during that

period they have increased their bonds and stocks to the amount of over \$40 million."

As a further example in support of the same generalization, Hogg referred to a railroad familiar to his listeners. Many of the people in attendance at Wills Point arrived on the Texas and Pacific. Hogg referred specifically to this railroad when he said, "Take this great hiway running in front of us. What do you suppose it has outstanding against it in stocks and bonds? \$92,965,979, over \$92 million. Are the people able to pay that debt?"

The reference to the specific line and the personal contact with that road by many of his listeners made this example meaningful and it was a valuable rhetorical device.

To support the argument that some counties and towns were abusing the law, Hogg stated that the counties then owed "about \$7,000,000 and cities and towns have issued over \$10,000,000 such securities." He argued that nothing was wrong with issuing bonds when needed, but he added support to the claim that the municipalities were abusing the privilege when he stated that eleven counties and towns were in default.

Hogg chose not to list what counties and towns were in default of their bond payments, a wise political move; however, he stated that "Here in my hand is a list. . . ," which probably got the effect desired in this instance.

At Wills Point Hogg argued, as he had at Rusk, that land corporations should be controlled. He said that land corporations

in the nation owned over 200,000,000 acres of land, or a territory "equal to the states of Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Jersey, Ohio, Rhode Island, South Carolina, Vermont, West Virginia, New York, Georgia, and Tennessee." In this example Hogg attempted to demonstrate the vast amount of land controlled by land corporations. His unstated generalization was that this was an excessive amount of land to be controlled by such corporations.

Hogg chose to defend this argument with allusions to the national problem of corporate ownership of land. A wiser choice would have been to center on the problem in Texas, which in support of Hogg's argument was a fact, but the national problem probably had little effect upon the audience. The list of states was probably impressive, but his audiences may have found it difficult to relate to such a vast territory.

Inference by Analogy and Comparison

Hogg used an argument from comparison to support his contention that all court cases concerning the fairness of a particular shipping rate should be tried in the state court at Austin only. The railroads claimed that this section of the Commission law was to prevent a dispersion of dozens of cases at separate locations at the same time making it impossible for the Commissioners to be present at all of them. Using analogy, he pointed to other states where the railroads had filed suits in various courts throughout the state

in order to make it impossible for the state commissioners to be represented at each trial; the result was that the railroads won their cases by default. Hogg pointed out that the Texas Commission law required the suits to be filed in only one court, the state court in Austin, thus circumventing the dispersion of cases experienced in other states.

Hogg's reference to other states was general and not very compelling; however, through exposition he was able to buttress this argument to make it effective support.

Another comparison was drawn by Hogg between the railroads and hack drivers, draymen, and ferrymen. The railroad argument was that if they were found by the court to be charging fees in excess of the established rates set by the Commission, they were forced to pay fines. They felt this was unjust. Referring to hack drivers Hogg stated,

City governments prescribe a schedule of fees to be charged by hack drivers and draymen, and they have no appeal from that action. There are many thousands of them in Texas at work now under such schedules. If one of them charges more than the rate so prescribed, the penalties imposed on him are severe. Ferrymen and owners of turnpikes and macadam roads have their tolls regulated by the county commissioners court, from which there is no appeal, and fines are inflicted for a violation of them. On what principle should railway companies be exempted from similar regulations, restrictions, and penalties?

This exhibits a number of similarities; both items compared were engaged in transportation, were operating in Texas, and were for hire or charging fees for their services. The comparison seems valid.

A crucial argument in Hogg's defense of the Railroad Commission was that "reduced rates increase the volume of traffic." To support this argument he drew an analogy between the shipping of the railways and a drayman. He explained that "On the principle that a man can make more money driving 30 horses to town at 50 cents a head than by driving five horses at \$1.50 a head, the railway companies make more money by hauling large quantities of traffic at cheap rates than they do by hauling a small amount at high rates."

This comparison is hypothetical hence is important for illustrative purposes only and does not constitute proof that the principal was actually true. It probably was effective to Hogg's rural audience as an example of how the principle worked.

To demonstrate that the Commission was advantageous Hogg employed a series of comparisons of conditions before and after its establishment. The following comparisons demonstrate the work done in the short period of the Commission's operation:

Before	Now
One carload of stock cost \$40 for 50 miles.	Ship over 500 miles for that amount.
A carload of hay cost \$40 for 100 miles.	Almost any point in the state for \$22.50.
Shippers had to fawn and bow.	Demand fair rates independently.
Discriminations were prevalent.	They are not.
Railroads changed rates at their will.	Ten days notice is demanded.
Rates were complicated, often secret.	Rates are plain, simple, stable.

Rates were as high as the traffic would bear.	They are reasonable on the mileage basis.
Short lines were absorbed by the big lines.	Short lines are no longer in danger.
No factory in the state could compete with factories outside the state.	Local factories are beginning to prosper.
Leading wholesale merchants driven from the state.	May return to do business successfully.
Wheat was carried north returned as flour.	Wheat goes to Texas mills.
Texas had to buy Kansas corn.	Texans can buy Texas corn.
Cattle sent north, returned to Texas as butchered beef.	Cattle butchered and delivered fresh in Texas.
Cotton seed mills were closed.	They are being revived and new ones built.
Brick shipped from north.	Produced locally and sold here.
85% of traffic was interstate.	50% of traffic has become local.
High local rates were the rule.	Cheap rates are enforced, and life has been infused into our industries, the volume of traffic proportionately increased, and the net earnings of the roads preserved.

These comparisons were drawn from information obtained from the Commission, and therefore were probably reliable.

To support the minor premise that the railway corporations' issuing of watered stock and bonds was a practice inflicting abuse upon the people, Hogg employed an analogy linking this practice to forgery. His analogy was

If a man attempts to impose an obligation on another in writing without his consent, he is guilty of forgery and subject to

imprisonment in the penitentiary. I have known many poor wretches put in prison for a term of two years for no greater offense than forging an order or note for less than five dollars, which nobody was bound to pay. What is the difference in principle distinguishing such an act from one where a corporation in fact imposes upon and makes the public pay millions it does not owe? If any gentleman can show me the difference in principle I shall gratefully thank him.

Hogg failed to take into consideration that the railroads still had the primary responsibility for the payment of the stocks and bonds. In effect, the railroads did not sign the people's name as in the case of forgery. However, in the final analysis it was the people who had to pay the debt. Therefore, the analogy was true in principle.

Hogg's fourth major contention was that anyone who supports the Constitution will forbid corporate land monopolies. To support this claim he employed two analogies. He argued that if the land corporation law was not passed, Texas would eventually be in the same condition as Britain and Ireland. Hogg argued that in Britian only 30,000 people owned land because of the land corporations' control of all the land. In Ireland, Hogg asserted, over two and one half million farmers were unable to own their land because of the land corporations, yet "they pay annually from their land earnings \$20 million to absentee landlords for the privilege of dying on their soil." Hogg explained that Texans could do nothing about other states or other nations, but they could guarantee that this feudal system would not occur in Texas.

The similarities between the Texas land problems and those of Britain and Ireland are significant enough to make this a valid analogy. The Texas land corporations were of two types; one was the foreign capitalists who were involved in land ownership of large blocks of agricultural and pastoral land such as the XIT combine in the Texas panhandle and the Scottish combine of the Adair family and the huge JA ranch. The second type of land corporation was the holding companies controlled by the railroad industry. The land granted to the railroads was transferred to holding companies in order to fulfill the legality of their grant. These holding companies then had, by law, a set period of time to sell the land. The loop-hole in the law was that the time did not start until the land had been patented, and this was rarely done. Therefore, the holding companies had the land indefinitely. Hogg argued that this lack of a patent on the land was what caused the Irish and British problem. There was enough similarity in the two units of the analogy to make them reliable.

To an audience composed mainly of farmers and ranchers, as the Wills Point audience was, the acceptance of this argument was obvious. The tenant farmer problem in Texas as well as the entire South was worsening, and Hogg's listeners would be sympathetic to this argument.

To support the argument that the railroad commissioners should be appointed by the governor, Hogg drew an analogy between the commissioners and other state officials such as the heads of the different asylums, the penitentiary, the reformatory, and the regents

of the university. Hogg argued that these were all appointed; therefore, why not the railroad commissioners?

The similarities between the two units make this analogy valid. The listing of appointed officers did not counter the argument by those opposed to the concept, but it did shift to them the burden of proving "why not?" Even if the question did not prove Hogg's argument, it may have caused the audience to think about the question and thus neutralize to some extent the opponent's argument.

Inference from Causal Reasoning

Throughout the Wills Point speech Hogg maintained that the Commission was advantageous to the people of Texas and to the railroads. He supported this argument by employing a chain of causal reasoning. He began from the premise that the Commission would reduce the rates on shipping. Hogg supported his cause-effect reasoning pointing out that rates had already been reduced, listing specific commodities and the Commission's schedule of reduced rates. Also he supported the claim with a list of comparisons. He asserted that the result of these lower rates would be cheaper prices for commodities. Hogg argued that it was a principle of economics to include shipping costs in the cost of the product, thus if shipping costs are reduced, the price of the product would be reduced. This lower cost of a commodity would in turn stimulate the demand for that product. If demand was increased this would cause more production of finished products. All of this would mean more shipping and activity for the railroads which would be to their advantage. The

increase in railroad activity would mean more revenue for the railroads even though the rates were lower.

According to Hogg, the Commission was advantageous to the buyer because of cheaper goods, to the manufacturer because of lower rates, to the wholesaler because of cheaper shipping costs, and to the railroad because of increased revenue. Hogg buttressed the advantage to the railroad argument with the analogy, mentioned earlier, of the drayman driving 30 horses to town making more money at 50¢ a head than five horses at \$1.50 a head. Also the example of the excursion fares from Wills Point to Dallas supported this conclusion.

There were two major problems in Hogg's chain of causal reasoning; he recognized both of them and attempted to compensate for them. The first problem was whether or not rates were actually lowered. He cited specific instances to support his claim that they were. The second problem in this causal chain was his argument that lowered rates would cause an increase in railroad income because of an increase in shipping. Hogg was less successful in supporting that claim. The specific instances demonstrated that lower rates were a fact, but the question of the cause of those changes is somewhat in doubt.

Hogg linked all changes to the work of the Commission. He did not take into consideration normal economic growth, the status of the Texas economy, or even of the national economy as causal factors. This failure to cover all possible causes and by elimination conclude the Commission was the only factor was a weakness in his logical support. The nation was in an economic recession;

and the fact that new businesses started, closed businesses reopened, railroad traffic increased, and the volume of finished goods increased in Texas demonstrates the uniqueness of the situation. A survey of historical events of this period does not indicate any factor significant enough to make these changes other than railroad regulation. It seems, therefore, that Hogg's causal reasoning and the links cannot be faulted.

In defense of the Railroad Commission, Hogg also argued that through control stability in rates, schedules, and stock would cause a more favorable economic climate for prospective investors. This would make it easier for the railroads to acquire capital investments. This argument was in direct clash with Jay Gould's position that regulation of the railroads in Texas would cause capital to be timid.

Hogg's argument probably had little impact on his listening audience but was designed primarily for those outside the state who had read the prophecies in the Dallas Morning News and other daily papers as to how damaging railroad regulation would be to Texas.

Argumentation by Exposition

In the Wills Point speech Hogg used exposition as a supportive device. The two methods discussed in this section will be definition and narration.

Definition. Hogg consistently maintained that he was advocating "the" Commission and not just "a" commission. There was confusion as to the meaning of these terms as he used them. Hogg defined "the" Commission as the current Commission which had the power to prescribe and enforce rates; he defined other types such as the advisory and statistical commissions as ineffective. Hogg used this definition of "the" Commission as a persuasive tool.

Another example of argumentation by definition was Hogg's clarification of his corporate land law. He pointed out the provisions which would enable the people to own their own land. He buttressed this discussion with a definition of corporate land control.

Much of the confusion over these two questions was caused, probably deliberately, by the railroad orators and the press. Some of the confusion, no doubt, was just a lack of understanding. In any case Hogg recognized that the confusion existed and strengthened his position by his use of definition.

Narration. To clarify the misunderstanding concerning the amendment, Hogg quoted the section of the Constitution which was amended and then explained how the amendment did not guarantee the establishment of a commission; it only gave the legislature the right to establish a commission but not a mandate to do so. The railroads had claimed that since the amendment passed, the life of the Commission was guaranteed. Through narration Hogg was able to clarify this misunderstanding.

Hogg also used narration to clarify the legal status of the railroads under the Commission's control. The misunderstanding centered around the railroad claim that under the Commission they had no legal right of appeal if rates were set so low as to prevent any level of profit. Through narration Hogg explained that the Commission was required to hold a hearing ten days prior to any rate change, and the railroads could, if they desired, appeal the rate decision in the state court at Austin. This provision was stated in the commission law; however, questions had arisen concerning it. Through this narration Hogg attempted to demonstrate that justice was afforded the railroads through the Commission.

To explain the rationale for his opposition to watered stock and bonds, Hogg pointed out that the constitutional provision was for the purpose of construction of new lines and for major repairs. Through the use of narration he was able to demonstrate that the railroads were issuing stock and bonds without constructing new lines or making major repairs.

In defending the choice of John Reagan as Chairman of the Railroad Commission, Hogg used narration. Since Reagan was a close friend of Hogg's father, the Governor had known him all his life. It was understandable that when there was opposition to Reagan, Hogg defended his selection. Through the use of narrative, he traced the life of Reagan, emphasizing the services he had performed for the people of Texas.

In support of the argument that lower rates would stimulate shipping, Hogg used narration. He cited the excursion fares on the Texas and Pacific from Wills Point to Dallas. He explained that if "the road were to charge \$10 a passenger the round trip; but few of you would go except for absolute necessity. None of you would make the trip for pleasure. The cars, therefore, though required to go and return, would haul but few people. On the other hand, if they were to charge a dollar a round trip, thousands of you would go and crowd the cars. Whether for business, recreation or pleasure the people would travel often and load the road with work." The conclusion to this argument was that the increased traffic would bring about increased revenue with little increase in operating expenses. This conclusion is dependent upon increased traffic. The final disposition of this argument was assessed in the discussion on causal relationships.

Ethical Proof

In assessing Hogg's use of ethical proof in his Wills Point speech this section will note two elements: (1) Hogg's reputation prior to the speech and (2) the ethical proof used within the speech.

Reputation

The people who made up the Wills Point audience had known Hogg for over a decade. Van Zandt and the surrounding counties made up his constituency when he served the 7th district as district

attorney. He had a reputation there for his impartial enforcement of the law and a champion of the people.⁷ However, events had occurred during his tenure as governor which probably affected his reputation among them. Specifically, Hogg faced disenchantment of the Alliance with his programs, the controversy generated by his appointment of Horace Chilton as United States Senator, and agrarian discontent with the Democratic party.

During Hogg's 1890 campaign he had enjoyed the support of the Grange and the Alliance. He later said that he owed his election to the farmers.⁸ Yet this support had been eroded by 1892 because of conflicts with the Alliance. The initial conflict came as a result of Hogg's refusal to include an Alliance backed sub-treasury plank in the 1890 Democratic platform. The Alliance finally broke with him over his refusal to appoint one of their members of the Railroad Commission. He received a resolution from the executive committee of the Alliance which included a "demand" that he appoint S. D. A. Duncan, a Tarrant county farmer.⁹ In response to this Hogg stated that he was "not obeying demands these days, except when they come through the formal method of Democratic platforms."¹⁰ This rejection

⁷Raines, 7.

⁸Dallas Morning News, October 12, 1892.

⁹Austin Statesman, April 25, 1891.

¹⁰Letter from Hogg to R. S. Kimbrough, April 30, 1891, Governor's Letter Press.

of Duncan was further complicated by Hogg's appointment of John Reagan, a Granger who mistrusted the Alliance and their third party ideas and who had advised Hogg against the sub-treasury question.¹¹ The Alliance felt Reagan's appointment was poor payment for their support of Hogg in 1890, and the conflict definitely affected the Governor's reputation particularly among radical agriculturalists. The old Grangers, however, remained staunch supporters of Hogg and his cause.

The appointment of Hogg's friend and former campaign manager, Horace Chilton, to fill John Reagan's unexpired term in the United States Senate also drew criticism. Hogg was accused of appointing Chilton simply because he was a personal friend. The critics, ignoring the man's qualifications, decried his youth. Actually they objected to the fact that he was not a member of the older element of the Democratic party made up of ex-Confederates, or as Clark called them, "the old guard."¹² Because of the controversy and the harm it caused the Governor, Chilton withdrew his name from consideration during the senatorial election by the legislature in January of 1892. Roger Q. Mills was then elected to the Senate. Cotner, Hogg's biographer, stated that

Chilton, understanding the great issues that would be at stake in the November election of 1892, had decided not to risk giving aid and comfort to Clark's reactionary forces by prolonging the . . . contest. Chilton's abnegation proved more than helpful

¹¹John Reagan to Hogg, November 16, 1890, Attorney General's Letters Received.

¹²Dallas Morning News, February 28, 1892.

to his friend Jim Hogg; from the moment Mills was chosen senator, the forces of reform rallied and drew closer to the Governor.¹³

Another factor affecting Hogg's reputation was the farmers' increased disenchantment with the Democratic party as a means of solving their problems. Because of the "bitter mood brought on by drought, depression and the long decline in farm prices,"¹⁴ a growing number of farmers were aligning themselves with the Populist cause.

Since the audience at Wills Point was made up predominantly of farmers, ranchers, and people from small towns dependent upon agriculture, these voters' view of the speaker would be colored to some degree by his relations with the Grange and the Alliance.

Ethical Proof Within the Wills Point Speech

This section will analyze the ethical proof used by Hogg in his Wills Point speech by examining the constituent elements of character, sagacity, and good will.

Character

Hogg directed attention to his character by (1) demonstrating that he and his cause were virtuous, (2) demonstrating that his opponents and their cause lacked virtue, and (3) minimizing any unfavorable impressions of himself.

¹³Cotner, Biography, 282.

¹⁴Ibid., 260.

Hogg demonstrated that he was a man of good character by defending his reputation, by calling for a clean campaign, by stressing his devotion to duty and his devotion to the Democratic party. He had been attacked by the press, and at Wills Point he defended his reputation.

For some reason, not only my public record for many years has been under investigation, but my private conduct and dealings from the cradle until this day have been sifted by detectives and spies. To all of this I enter no demurrer. To it all I yield full assent, and challenge the espionage to go on. They have copied the judgments I rendered while justice of the peace nearly twenty years ago; examined the court records made during my term as county attorney of Wood county; inspected the court docket and records made while I was district attorney; gone through all the records at Austin made during my four years as Attorney General; and at last they have taken copies of vouchers approved by me while Governor, to find something on which to hang the hopes of a desperate campaign. Not satisfied with this, detectives have visited the playgrounds of my boyhood; gone to the pathway of my youth, and 'nosed' around the social and business circles of my manhood to find an item to gratify their hopes of personal destruction.

Stressing the ability of his conduct to withstand close scrutiny,

Hogg emphasized his personal integrity:

My friends have warned me to look out. In reply I have always told them, as I now say to the people of Texas, that I neither shun or dread the light of truth shed on my private life and public record.

Secondly, Hogg attempted to bolster his ethos by reference to the high ethical standards governing his campaign. In the introduction of the speech Hogg pledged that his campaign would be one of issues and not slander. Describing his campaign plans, he said,

For the honor of my native State, for the respect due to the office I hold, out of regard for the unblemished record of the Democratic party, I shall avoid personalities in this campaign, and will, under all circumstances, attempt to draw attention to live issues that should be settled in the exercise of wisdom,

unshaken by appeals to passion or prejudice. Neither slander nor vituperation shall escape my lips, for the spirit of violence has no place in my heart or feelings.

Thirdly, at Wills Point as at Rusk, Hogg presented himself as a man of good character by recounting his devotion to duty. In review of his tenure as attorney general, he stated that he "instituted a series of actions to compel those corporate creatures to obey the demands of our Constitution and laws." Then listing and explaining the three major suits brought during his term of office, he began each of these discussions by indicating that the Constitution required such actions and concluded by stating that in each case he had done his duty and "obeyed the Constitution."

According to Hogg, the Democratic platform was the people's instructions to its officers. He claimed that he had fulfilled his trust to the people.

In all respects I have obeyed the demands of the people expressed through their platform as they applied to my official duties. I carry the platform in my pocket, and am never without it. It is well in these times of political agitation for all gentlemen owing obedience to our grand party to return to that document now and then and read it. Here it is. If you have not one, is is well to clip it out of your county paper and carry it with you. Examine it and test those who ask you votes by it. It was solemnly adopted, and I defy any one to show where I have violated a single sentiment or principle in it.

He supported this claim by enumerating the five state planks in the 1890 Democratic platform and explaining what he had done with respect to them. Each plank called for the passage of a law; Hogg explained that four of the laws had been enacted. The remaining plank demanded a corporate land law. He stated that he had requested the passage

of such a law in his message to the regular session of the legislature and the special session; however, it had not been passed. In addition to the items in the platform Hogg listed "many wholesome, efficacious acts" which were a part of his record as governor.

Hogg promised his listeners that if re-elected he would continue to be a man dedicated to duty. He would "obey the Constitution, adhere to carrying out the instructions of the people expressed through their platform, and see that the laws are faithfully executed."

As a member of the Democratic party and the state's Democratic governor, Hogg reinforced his image as a man of principle by praising the Democratic party.

For many years the affairs of our State have been managed by Democrats upon the principle of equal rights to all, special privileges to none. The people have been guaranteed and have a simple form of government, and their lives, liberties and property are protected under the Constitution. Under Democratic officers they are taxed less than any people on earth. . . . Texas is today a living example of what the Democracy can and will do in furtherance of sound principles when common justice and the power of the people place our great party in complete control.

Hogg further enhanced his image by praising his cause. Pointing out that "the people declared for 'an effective railway commission'" and that the Commission was "the leading issue in this campaign," he claimed he was defending the will of the people.

The second method used by Hogg to demonstrate that he was a man of good character was to attack the character of his opponents and their cause. He accused his opponents of "being content to shower scowls, frowns and sharp insinuations, intermingled with slime and slander"; "attempts to dodge and to deceive the people"; being

"enemies of railway legislation"; "undemocratic"; and violater of the law. In his conclusion he attacked the railroad orators and the press by saying,

In efforts to overthrow the peoples will, corporate agents and newspapers have gone beyond the limits of the State and misrepresented and wilfully maligned the honor and integrity of the masses, calling Texans repudiators, anarchists! It is confidently trusted that at no time may the intelligence, stability or patriotism of the people be shaken or swayed by such unholy methods, or by the artful schemes or reckless, vituperative denunciations of those who battle against public interests for private advantage, seeking control of State affairs

In order to minimize any unfavorable impressions which his audience might hold Hogg listed thirteen accusations against his administration and answered each. The following chart represents the charges against him and his responses:

Charges against Hogg	Hogg's answer
1. Sectional in appointments	Officers equitably distributed
2. Appointed dozens from Smith County and Tyler	Appointed one man from there (Chilton)
3. Would not appoint enemies	None applied
4. Created 200 new state offices	Created only 10
5. Appointed kin to state jobs	Not one
6. No ex-Confederates appointed	Appointed 19 ex-Confederates and 8 sons of ex-Confederates
7. Administration extravagant	Taxes reduced 25%
8. Administration caused depression	Started long before
9. Caused low price of cotton	Cotton has high in Texas as any other state
10. Money scarce in Texas	Banks have money to loan on good security

- | | |
|-----------------------------------|--|
| 11. Cheap money driven from Texas | Plenty at low interest |
| 12. Factories closed | 10 new factories opened for
each one closed |
| 13. People starving in Texas | NEVER! |

Sagacity

The Wills Point speech was designed for two audiences, the immediate listeners and prospective voters across the state who would read the printed copies of the address. Hogg was faced with formidable opposition from the press and the large corporations who feared the consequences of state regulation. Therefore, because of the wide circulation of the speech and the strong opposition to his programs, Hogg was forced to be concerned about the intellectual integrity of his ideas and data.

Hogg demonstrated this concern with numerous allusions to link his campaign with the truth. He said, "My hope has been that we would have square issues in this campaign, without any attempts to dodge or deceive the people," It may be concluded that because of the preponderance of supportive material in this speech the audience could draw the conclusion that Hogg was a man of intellectual integrity.

In using data, Hogg also included statements to emphasize his sagacity. For example, to demonstrate that railroad rates had been lowered he stated, "The rates here given are authentic, and can be applied with substantial accuracy to all points in the state."

In Hogg's indictment of the towns and cities for issuing municipal bonds in excess of their ability to pay to the extent that they were in default of their payments, he showed two lists to the audience of those municipalities in default. He explained that

Here in my hand is a list of eleven counties and towns now in default on their bonds held by one non-resident firm. Here is another lot that have been defeated in court because they were improperly issued. What is the result? Bonds that are legally issued must share suspicion and consequent loss.

Indirectly, Hogg's use of effective rhetorical practices provided further evidence of his sagacity. The clear statement of his four major points, the abundance of data used to support his ideas, his reasoning and explanation, and his ability to identify and refute opposing arguments probably aided in establishing his sagacity. These implications were obvious; and, no doubt, his listeners were cognizant of them and were impressed.

Good Will

At Wills Point Hogg revealed his good will through (1) the praise of his audience, (2) his identification with his hearers, and (3) his pledge to them as a messenger of truth.

Hogg praised his audience for their "intelligence," "stability," "patriotism," "fairness," and "liberality." In a general sense he complimented his hearers by the careful discussion of issues. He said, "Let truths be told, facts produced, reason appealed to, and the sovereign voters will render a just verdict for Texas."

In the introduction of the speech Hogg identified with his audience by asserting that it was "always refreshing to an officer

who knows he has done his duty to meet those from whom he received his trust. I am glad once more to stand face to face with the people." He recognized the "thousands of people" from Wills Point and the surrounding area as his "life-long neighbors," "those who have known me from childhood," and "a constituency who have never failed to encourage my aspirations for public honors."

He also identified with his audience through specific references to the environs of Wills Point familiar to his listeners. One such reference to familiar things was the example of the excursion fares from Wills Point to Dallas. Since many of the audience were residents of small communities and farmers and since Dallas was the nearest city, it is conceivable that the excursion trip to Dallas was a familiar experience to many of the audience.

Another reference was Hogg's allusion to "this grand highway running in front of us," meaning the Texas and Pacific railroad. Since the speech was delivered in a grove less than a mile from the tracks, the Texas and Pacific depot was within view of the audience. Hogg discussed the amount of watered stock and bonds on that particular railroad. Again, many of the people in the audience had come to Wills Point that morning on the T&P. Hogg concluded his discussion with the question, "Are the people able to pay that debt?" This question, to people who had just ridden that line and would probably return on it, was an effective device.

Defending the work of the Commission, Hogg referred to the fact that rates were lower as a result of its work. Many of the

rates and commodities discussed were from Wills Point to various places in the state. This reference identified the speaker with his audience since both were concerned about rates from that area and aided in demonstrating the speaker's good will.

Numerous references were made by Hogg to things familiar to agriculturalists or residents of small communities, including the cotton example, the drayman example, and the comparison of agricultural products and shipping rates before and after the Commission. Thus Hogg revealed his good will by his identification with his listeners and their problems.

Hogg further enhanced his good will by the demonstration that he was a messenger of truth. He pledged that his campaign would be one of "live issues . . . settled in the exercise of wisdom, . . . a discussion of principles" rather than one of "passion," "prejudice," or "slander." In reference to his past record he indicated that the people had the right to the "light of truth." He claimed that "It is but decent for the people to demand that slime and slander shall not be offered as substitutes for truth and proof."

Emotional Proof

Hogg supported his theme with emotional appeals to justice, pride, gratitude, fear, anger, and patriotism.

Justice

Hogg supported his contention that the Commission was advantageous to the people with an appeal to their sense of justice.

According to Hogg, the Commission was the only way that the people could obtain justice. Indicating that prior to the Commission the railroad leaders were not concerned with justice to the people, he noted that "the question of justice, reasonableness of rates and encouragement of our factories never entered their minds. The result was that no industries in the State except those largely controlled or owned by the railway officials ever prospered." Hogg continued this appeal by pointing out the reduced rates as the result of the work of the Commission, arguing that these reduced rates permitted justice to be done to the people in order for their business enterprises to prosper to the limits of the proprietors' individual talents and energy.

A corollary to the appeal for justice to the people was that the Commission would also deal justly with the railways as well. Hogg claimed that although the rates were reduced, justice was served by keeping them high enough for the railways to receive a reasonable return. He explained that "it is a fact of life" that the railways must make money to be able to stay in business and that the rates were set at a level to provide for the financial security of the railroads.

This appeal to justice for the people and the railway companies was also used in the Rusk speech and was apparently designed to counter the argument by the railroad orators that reduced rates were unfair and discriminatory against the railroads. Hogg demonstrated that the Commission was just to all parties concerned.

Pride

In the Wills Point speech Hogg appealed to his audience's sense of pride in their state. To counter the assertion that any form of regulation was a national responsibility, he invoked his listeners' pride in their state by asserting that Texas was able to take care of her own problems. According to Hogg,

Texas is capable and will manage her own affairs, with justice to her own citizens and fairness and liberality toward persons of other countries, in the full assurance that time will correct wrong impressions, allay ill feelings, and demonstrate to the world that the interest of the masses is consistent with universal prosperity, only to be destroyed when sound principles of government are subverted or changed to gratify the avarice and whims of despoilers of private rights and enemies of public justice.

By praising the size and power of the state, Hogg also appealed to state pride referring to "a great, growing state like Texas, equal in territory to New York, Massachusetts and ten other states of this Union, with vast and varied resources familiar to you all."

Gratitude

The Populists who had recently left the Democratic party presented formidable opposition to Hogg. Through an appeal to gratitude to the party thus the speaker attempted, in his words, to bring "the mis-informed back into the fold." By listing benefits the Democratic party had brought to the people he attempted to arouse deep seated feelings for the "party of the people" when he said,

For many years the affairs of our state have been managed by Democrats upon the principle of equal rights to all, special privileges to none. The people have been guaranteed and now have a simple form of government, and their lives, liberties

and property are protected under the Constitution. Under Democratic officers they are taxed less than any people on earth. Public affairs have been administered from the lightest taxation consistent with human happiness, until now many people pay no taxes at all, while thousands of others in prosperous condition pay but little or nothing as a balance to the State. . . . Texas is today a living example of what the Democracy can and will do in furtherance of sound principles when common justice and power of the people place our great party in complete control.

Hogg also employed an appeal to gratitude in support of the Commission by saying that "the Railway Commission of Texas has taken the lead of all others in the United States." He further indicated gratitude for the work of the Commission and attempted to generate that feeling in the minds of his listeners, pointing out that the people of Texas had saved at least \$1,000,000 because of lower shipping rates on cotton.

The Commission had been opposed from its very inception. Hogg appealed to gratitude for its accomplishments by saying,

It organized in June and began its preliminary preparations for the execution of its duties. From that day to the present time it has met with every obstruction the power, the ingenuity, and the subtlety that skilled opponents, experts, and astute traffic managers could possibly place in its way.

This appeal was supported with a lengthy list of the Commission's accomplishments.

Fear

To support his thesis that the people and not the large corporations should control, Hogg appealed to fear in three different arguments. Each of these examples portray vividly the corporations and their power as a source of danger to the people.

Hogg appealed to fear to support his rationale for advocating an appointed commission rather than an elected one. He asserted,

Add the Commissioners to the fight, and the railways would be the most active factors in politics. Mark my words for it, they would get some, if not all their favorites on the Commission. Corporations are too powerful and formidable when moving in solid phalanx to be resisted except by the concentrated power of the people. Let the people divide and the railroads would win.

Secondly, Hogg indicated that the large corporations should be feared because their practice of buying up large blocks of agricultural land for speculative purposes, making cheap land unobtainable for settlers was thereby exacerbating the tenant farmer and absentee ownership problems in Texas. He asserted that Texas would become as England and Ireland where farmers must pay for "the fruit of their labors . . . to absentee landlords for the privilege of dying on their soil."

The third appeal to fear of the large corporations was in support of the stock and bond law. Hogg explained that a control must be placed on the issuance of watered stock and bonds. He asked, "Suppose the people drift along as they have in the past ten years, permitting the accumulation of these fictitious debts, and the Supreme Court should finally hold that the traffic rates must be high enough to pay interest on them, what will become of ourselves and posterity?"

Anger

Hogg appealed to anger in support of two arguments. This appeal was particularly significant to the audience of farmers and ranchers.

These groups had reason to be angry and were easily persuaded that the monied interests were the source of their problems. According to Fehrenbach, "When the farmer became increasingly anguished, his attention was increasingly drawn to the fact that the agents, if not the authors, of his misery were corporate land companies, railroads, and banks. His suspicion was certain and his hostility inevitable."¹⁵

Hogg used this hostility in support of his argument that reduced rates would be advantageous to the people. Utilizing loaded words to invoke anger, he said,

It is true the railway officials and their representatives grumble, and are always ready with facts and figures to show distress. Some people have been making fortunes fast by mysterious methods, and if they are the ones whose resources have been checked by prevention of rebates, then the public can well stand their lamentation and disappointment. You may expect the favored few, enriched at the expense of the many by rebates and special rates, to denounce railroad regulation.

In defense of his appointment of John H. Reagan as Chairman of the Commission, Hogg again appealed to anger by questioning how any proper citizen in Texas would object to the "great commoner." Again using emotionally charged words, he described the attacks by railroad orators against Reagan.

Malice nestling in the bosom of envy; spite lurking in the heart of jealousy; hate rankling in the soul of disappointment, find the tongue of slander a convenient tool by which to lap the cankerous slime of falsehood and send it forth to stain the character of this honest man.

¹⁵Fehrenbach, 616.

Patriotism

Hogg appealed to patriotism through his allusion to the battle of San Jacinto. Although his reference to the event was understated, it aided his emotional appeal when the events of the day are concerned.

The speech at Wills Point was given on the 56th anniversary of the Battle of San Jacinto, the battle that won Texas independence from Mexico. This day ordinarily was a festive and patriotic occasion in itself. Senator J. G. Kearby of Van Zandt county, who introduced the Governor, concluded his introduction by comparing the battle between the Texan and Mexican armies to the battle between the people and corporate power. He urged the listeners to "Cry not as Houston's men when they shouted aloud: 'Remember the Alamo!' 'Remember Goliad.' But let ours be: 'Remember and guard our railroad commission.'" Kearby then referred to Hogg as the leader in this battle similar to Houston in the battle of San Jacinto.

This introduction refreshed and enforced the patriotic memory of the Texas battle, and Hogg referred to it directly in his peroration. He concluded his speech by saying,

With confidence in the intelligence, virtue and patriotism of the masses, I am sure they can not mistake, nor will they dodge the issue now before them. While we rejoice over the liberties of the people won at San Jacinto by soldierly prowess, it is well for us to pledge ourselves to the cause began two years ago, renewed today, and finally to be won by untrammelled ballots in August and November, giving freedom to the masses now and forever from corporate power.

Probably no other event in the history of Texas created more patriotic feeling in the minds of Texans than reference to the

concluding battle in the war of independence. Hogg supported his theme by linking the battle for freedom from corporate power to the battle for freedom from oppression.

The reference to the battle at San Jacinto and the battle for the Commission was effective. The Dallas Morning News reported that some of the members of the audience "affectionately said that San Jacinto day was being reconsecrated by a greater man than Sam Houston."¹⁶

Another of Hogg's appeals to patriotism was a defense of his appointment of John H. Reagan as Chairman of the Railroad Commission. He pointed out that the "grant old commoner" had given up the high post as senator in the United States Congress to accept a "humbler post with heavier work and less pay solely for the good of the people." Hogg further explained that Reagan had been a leading advocate of the commission idea for a number of years and had demonstrated this interest by his role in the establishment of the Interstate Commerce Commission. Regarding Reagan's decision to accept the post as Chairman of the Texas Commission, Hogg said, "There has never been in the history of our government an act of patriotism in civil life so unselfish and so deeply marked with love for the cause of the masses as that one grand and triumphant step of General Reagan."

Indicating that Reagan had been devoted to Texas all his life, Hogg recalled Reagan's return from the war "disfranchised,

¹⁶Dallas Morning News, April 22, 1892.

poverty-stricken, and bowed in grief: to make "his living from the soil." Hogg continued that the reconstruction government had offered the governorship to Reagan, but he refused because he did not have "a commission from the people. . . . This act has been equalled only by the one he performed in response to the demand of the masses through their Governor when he accepted the position of railroad commissioner. . . . He holds the traffic scales in his hands against corporate consent."

Claiming that Reagan's patriotism did not deserve the attack that had been manifested against him, Hogg stated that "these are bad times when the good name of that man can not be spared." Linking Reagan with revered figures from American history, Hogg further explained that it was part of the duty of great men to withstand abuse:

The immortal Jefferson felt its sting. The matchless Jackson was bowed in grief from it. The great Washington himself never escaped its venomous touch. As Mr. Webster once said: 'Publications more abusive or scurrilous never saw the light than were sent forth against Washington and all his leading measures. Personal animosity and party outrage denounced President Washington not only as a Federalist, but as a Tory, a British agent, a man who in his high office sanctioned corruption.' If those good men were misrepresented, vilified, and denounced in the purest time of the Republic's life, why should any one expect to escape slander when self-constituted teachers of Democratic doctrine try to shield corporations from legal restraint on the plea of 'personal liberty.'

Cameron Debate

During the 1892 campaign Hogg and Clark agreed to hold joint debates at Cameron on May 3rd and at Cleburne on May 4th. This direct

confrontation between the two contenders for the Democratic nomination was the result of the excitement generated throughout the state in this campaign. Clark had been on the campaign trail since his opening speech at Weatherford on February 28; and Hogg, who had been speaking a little over a week, had spoken at twelve separate locations prior to the meeting at Cameron. Because of the interest in the debates a crowd of 6,000 to 10,000 people gathered at Cameron.

The Fort Worth Gazette, Houston Post, and Austin Statesman reported the debates; however, the Dallas Morning News and the Galveston Daily News covered them more extensively since they had a direct telegraph hook-up from Cameron to Dallas and Galveston. Cotner in his collection of Hogg's addresses included a copy of the Dallas Morning News account of Hogg's Cameron speech. Although several of the speakers' arguments are paraphrased, the account by the News is the most complete, and this account was used in the analysis of the Cameron debate.

The meeting at Cameron will be analyzed as representative because: (1) it was the first debate, (2) it was covered more completely, and (3) the unruliness of the supporters of both candidates at Cleburne made it impossible for the debaters to be heard in order that their speeches might be recorded.

Organization

The following analysis of the Cameron debate will consider (1) thematic emergence, (2) method of arrangement, (3) rhetorical order, and (4) audience adaptation.

Thematic Emergence

The theme of Hogg's speech at Cameron was that as attorney general and as governor he had done his duty to the people of Texas. This theme was stated in each of the major arguments extant in this speech. Devotion to duty had been a basic principle throughout the Governor's life and was emphasized in this speech.

Method of Arrangement

It was decided that at Cameron Clark would speak for an hour, Hogg would speak for an hour and a half, and Clark would have a thirty minute rebuttal. Since Hogg spoke second, he chose a combination of logical and topical arrangement, refuting in order each of the major arguments advanced by Clark and concluding with three additional arguments of his own.

Rhetorical Order

Hogg used humor to introduce his speech. Clark's address had centered around suits brought while Hogg was attorney general. Recognizing this, Hogg replied, "The question is, what is the issue? What is it, Judge Clark? I haven't heard you say. [applause] I have listened patiently to the eloquent gentleman, and the question still remains unanswered. What plank is he running on? What issue is it

he wants to be elected on? Is he running on my record as attorney general? [applause] "17

In the body of his address, Hogg countered Clark's speech with seven arguments. The first four were in direct response to Clark, and the last three were additional issues Hogg wanted to discuss. The arguments were (1) the Missouri, Kansas and Texas Railroad case; (2) the East Line and Red River Railroad case; (3) the Val Verde case; (4) the school fund; (5) Hogg's platform issues; (6) the Railroad Commission; and (7) Hogg's claim that Clark had no issues.

To conclude his speech Hogg promised to stand on his record and the Democratic platform. He urged all interested voters to attend the convention and maintain their rights.

In reporting the debate at Cameron the Fort Worth Gazette stated that Governor Hogg's "parallels of Judge Clark's utterances were cleverly used and applauded."¹⁸ On the other hand, the Dallas Morning News editors called the speeches of Clark and Hogg "dishes, respectively, of intellectual refreshment and tiresome reiterations."¹⁹

¹⁷The Cameron debate was found in the Dallas Morning News, May 4, 1892, and Cotner, Addresses. All subsequent quotations within this section are from the Cameron debate unless otherwise indicated. The bracketed portions appear in the newspaper account.

¹⁸Fort Worth Gazette, May 4, 1892.

¹⁹Dallas Morning News, May 4, 1892.

Audience Adaptation

The organization of Hogg's speech exhibits adaptation to his audience. The issues the two men were discussing centered around complex legal actions, and without the use of clear signposts the listener would easily have been confused. Hogg's efforts through his organization aided in maintaining clarity in the discussion by his identification of his opponent's arguments prior to refutation of that argument.

Since the speeches in the debate were timed and Hogg had only 1½ hours, his exchanges with the audience in an informal manner were not as noticeable or as significant as in some of his stump speeches. However, they typify his repartee with his audiences.

When Hogg asked, "What is the question? What issue is it he [Clark] wants to be elected on?," the audience cried, "That's right." This response affirmed that Hogg's statement was understood. Again the Governor asked, "Did Clark make you any promises of what he would do if he was elected Governor?" Cries of "No, No" came from the audience. Hogg then stated that he proposed to call attention to some of the things he would do if elected. A voice from the crowd yelled, "You never will be though." This response, obviously from a Clark supporter, was answered when Hogg said, "You wait till I get through and see."

Climaxing his discussion of the Val Verde case, Hogg asked, "Are you prepared to put a man in the Governor's chair who will allow these roads to hold lands granted for sidings?" The result of this

question was confusion in the audience then shouts of "No, No," "Hurrah for Clark," and "Turn Texas Loose." Since the audience was mixed in its loyalties, the responses were mixed. Hogg then exclaimed, "I want to walk his chalk on another thing;" the audience responded with applause. Throughout the debate the listeners encouraged both speakers with applause and shouts.

Early in the speech in Hogg's discussion of the MKT suit after referring to the fact that Clark admitted that he would not have brought the suit, Hogg stated, "I am not going to abuse anybody. I have no malice in me at all." As the audience applauded, someone shouted, "Go for him," and a young man who had climbed a tree became over excited as he called out shouts of "Hurrah for Clark." The Governor recognized that with a gathering of thousands of people with opposing political ideas feelings were running high and responded by saying, "Young man, keep quiet. I shall extend to this audience all the politeness due to ladies and gentlemen. I presume you are honest and fair people and I do not expect to deal with badgers." After indicating their approval by their applause, the audience became more subdued.

Logical Proof

In the Cameron debate Hogg first responded to Clark's indictments against him and his cause and then extended the defense of his platform not attacked by Clark. In answer to Clark's attacks Hogg (1) defended his actions in the MKT case, (2) defended his actions in the East Line case, (3) defended his actions in the Val Verde case, and

(4) defended his actions regarding the school fund. He discussed three additional arguments: (1) an indictment of Clark for not having any issues, (2) Hogg's platform, and (3) the Railroad Commission. It will be the purpose of this section to discuss the argumentative development and to analyze the logical proof Hogg employed in each of these areas.

Argumentative Development

According to a prearranged plan Clark was the opening speaker at Cameron. He began his speech by stating that "between the governor and myself there has never been an unkind feeling." because of his "consideration" for Hogg "personally" and the fact that Hogg's uncle, Colonel McMath, had been Clark's friend and superior officer during the war. Clark lauded McMath and described the battle at Richmond at which he fell.

The speaker used the following arguments to attack Hogg's record and proposals: (1) municipal bond controversy is an example of centralized government, (2) Hogg's inconsistency in the MKT case, (3) the solvency of the East Line and Red River Railroad, (4) the claim by Hogg of lands recovered in the Val Verde case, (5) the "unsettling" of land titles because of the Val Verde case, and (6) Hogg's lending of the school fund to the railroads.

Clark indicated that Hogg was "the representative of a government of centralism" at Austin, while he stood for "government representation and centralism in the hearts and hands of the people." To prove this Clark cited Hogg's position on the state supervision

of bonds issued by cities and counties as an example of centralized government and indicated that he believed the municipalities should be allowed to "take care of their own affairs."

Using the same cases which Hogg had discussed at Wills Point, Clark then attacked Hogg's record as attorney general. In discussing the MKT injunction case, Clark accused the Governor of having been inconsistent in dealing with the railroads. He asserted that as attorney general Hogg had brought suit against the MKT to prevent it from voting its stock in a parallel and competing line, the International and Great Northern; however, as governor, Hogg approved the issuance of a new charter for the MKT which included two parallel lines, one from Hillsboro to Denison and the other from Fort Worth to Denison. If the first instance was unconstitutional, Clark asked, why not the second?

In discussing the East Line and Red River receivership, Clark accused Sawmie Robertson, the Governor's close friend, of having profited financially by having done legal work for the receivership. He also questioned Hogg's statement that the East Line was paying its debts and accumulating a surplus under the state receiver.

Clark stated that Hogg claimed "to have recovered 1,254,467 acres by virtue of the decision of the Val Verde case," involving the recovery of land granted the railroads for sidings and switches. He then listed the 23 roads who had received this land, the amounts each had received, and stated they had the right to it under the 1854 land grant law. According to Clark, the result of this case

was the "unsettling" of land titles, land owned by "men, women and children, mostly homes of our farmers and stockraisers and doubtless giving shelter to many widows and orphans." Clark then listed 35 counties where railroad land has been purchased by homesteaders. He reasoned that if the state was successful in recovering the sidings and switches land, the school fund would not benefit because Texas would "be the theatre for another mad rush like Oklahoma suffered."

Finally, Clark denounced Hogg's policy of loaning the school fund money to the railroads rather than to the farmers. He said, "How shall we invest this school fund? Loan it to the good people of Texas, God bless them, on their land, the best security in the world. It can't run away and if properly guarded it cannot depreciate in value."²⁰

George Clark's primary indictment of Hogg's record as attorney general which he attacked with six arguments seemed to be that Hogg had "blundered" in his handling of the three cases mentioned. This was the same indictment made in Clark's Weatherford speech. Clark seemed to be challenging Hogg to defend his actions as attorney general in each of these cases.

Hogg developed his arguments by paralleling the defense of his actions to the indictments made against him by Clark.

²⁰Fort Worth Gazette, May 4, 1892.

Defense of Actions in the MKT Case

In refutation of Clark's attack against the Missouri, Kansas and Texas Case Hogg stated that it was unconstitutional for two parallel and competing lines to be controlled by the same company. Hogg argued that the Constitution provides that "the Attorney General shall take such action in court as is advisable to prevent the railroad companies from violating the Constitution." He explained that he took an oath to uphold the Constitution and that was why he brought action against the MKT. Hogg did not respond to Clark's indictment that as governor he acted inconsistently when he authorized the reorganization of the MKT.

Defense of Actions in the East Line & Red River Case

Arguing deductively, Hogg defended his actions in the East Line case. His opening statement was "In the East Line Case I simply upheld the Constitution and that is all." He then pointed out how the East Line had taken its offices out of the state, and he forced them back. Other than the Constitution, his rationale for this action was to demonstrate that when the offices of a line are located within the state, the service on that line is better and safer. In response to Clark's argument that the East Line was in poor financial condition, Hogg stated that "The road has been placed in splendid condition. The only debt upon it is the old bonds of \$7,000 a mile."

Defense of Actions in the Val Verde Case

Clark indicted Hogg for bringing action against the railroads in the Val Verde case to recover land granted illegally for sidings and switches. Hogg explained that according to the land law of 1854 land was to be granted to railroads for every mile of road completed but no mention was made for granting additional land for sidings and switches. In answer to Clark's accusation that he had bragged of recovering over one million acres in the Val Verde case, Hogg explained, "The Judge does not state the matter right. I wrote the Land Commissioner and asked him the question: How much land issued to railroads for sidings is the state entitled to under the decision in that case?" He further explained that he had stated previously that the state was entitled to 1,254,467 acres not that the state had recovered the land. "This was a test case. Other cases will be necessary to obtain partitions and surrender of the lands to the state."

Hogg answered Clark's accusation that the Val Verde case had "unsettled" land titles by asking, "If there is a man in this audience whose title has been disturbed by this suit let him get up and say so. In all my speeches the last few weeks I have asked the same question. No one has said his title was disturbed." He further commented that it was Jay Gould who was spreading the story concerning the disturbing of land titles. Hogg concluded that in the Val Verde case he had done his duty to uphold the Constitution.

Defense of Actions Regarding the School Fund

Clark had attacked Hogg for lending money from the permanent school fund to the railroads. Hogg explained that the investment of the school fund was a business transaction and not an emotional issue. Hogg's argument was that even before the war, the state had loaned the school fund money to the railroads, and it had been a profitable investment. He explained that "on this investment the State has received \$3,401,375 and still holds bonds for \$1,547,585 owned by the school fund. . . . The State has realized a net profit of over \$3,300,000." Therefore, according to the Governor, it was good business to loan money to the railroads.

Indictment of Clark's Lack of Issues

Hogg considered Clark's lack of any issues upon which to base his campaign a serious failing. At Wills Point Hogg had said that the responsibility of a candidate was the "discussion of principles" and "live issues" in order that "the sovereign voters" could "render a just verdict for Texas."²¹ Since the debate at Cameron was a confrontation between advocates of opposing philosophies, he expected issues to be discussed. In the opening section of his speech Hogg asked, "What is the issue? What is it, Judge Clark? I haven't heard you say. I have listened patiently to the eloquent gentleman, and the question remains unanswered. What plank is he running on?

²¹Wills Point speech.

What issue is it he wants to be elected on? Is he running on my record as Attorney General?" Later in the speech Hogg again asked, "Did he make you any promises of what he would do if he was elected Governor?" This indictment denotes a difference in philosophy between the speakers, and with the series of questions Hogg called attention to the fact that he had presented his platform while Clark had not.

Defense of His Platform

After chiding Clark for not discussing the basis for his candidacy, Hogg briefly stated his own issues and why they would be of benefit to the state. "I shall favor 'the' commission instead of 'a' commission, I shall favor a law requiring counties, cities and towns to conform to the laws in issuing bonds, also a law which will take the wind and water out of railway bonds, also that will limit the right of land corporations to hold and own this country, also requiring these corporations which own land for agriculture and pasturage to sell out and leave the state."

Defense of the Railroad Commission

The Dallas Morning News account of the debate stated,

The governor here read extracts from various speeches and interviews of Judge Clark about the commission, which have hitherto been given in the News. They were published before the Commission amendment was adopted. The governor then stated his position on the Commission as to the appointive and other features, which has been fully printed in the News. He went into the matter at some length.

The Railroad Commission issue was the major portion of Hogg's speech; however, the slight coverage given by the News was an example of their opposition tactics.

Interchange between Hogg and Clark

When Hogg discussed the Val Verde case, he pointed out that Clark was attorney general when the land was granted for sidings and switches. This implied that Clark was involved in sanctioning an unconstitutional act. Interrupting the Governor, Clark responded that he was not attorney general "when any certificates were issued under the act of 1876. Certificates were not issued for sidings when I was in office except under the act of 1854, which authorized them." Hogg resumed, "The act of 1854 did not authorize a grant of land for sidings. It authorized a grant of sixteen sections of land per mile of road. It said a road must to receive land be completed and that it must have the necessary sidings and turn outs." In this exchange Hogg forced Clark to admit that he had sanctioned the granting of land under the 1854 act which in reality did not provide for land for sidings and switches. This bit of discussion was typical of Hogg's technique in dealing with questions in order to make a point.

Another example of direct interchange between the two debaters occurred when Hogg asked Clark if he voted for the Railroad Commission amendment. Clark answered, "No." Hogg then stated, "Why, he says he is a democrat and the democratic platform declared for the Commission.

. . . He violated the democratic platform." This admission that he did not vote for the amendment came back to haunt Clark in October, when at Dallas Hogg strongly denounced him as a poor Democrat.

Forms of Support

To support his contentions Hogg relied on three forms of logical proof: (1) inference from deductive patterns, (2) inference from specific instances, and (3) inference from analogy. In addition, exposition played a significant role in Hogg's speech at Cameron. It will be the purpose of this section to analyze that speech in terms of Hogg's use of logical proof.

Inference from Deductive Patterns

Hogg developed the contentions discussed in the preceding section by the use of inference from deductive patterns. These arguments may be cast into the following categorical syllogisms:

- (1) Major Premise: It is the duty of the attorney general to uphold the Constitution.
 Minor Premise: I [Hogg] did my duty as attorney general.
 Conclusion: I [Hogg] upheld the Constitution.

- (2) Major Premise: A candidate with no state issues does not deserve the support of the people.
 Minor Premise: George Clark is a candidate with no state issues.
 Conclusion: George Clark does not deserve the support of the people.

Analysis of these arguments reveals their syllogistic forms to be valid. The reliability depends upon whether the premises are true. The support for the premises must be examined and evaluated before a full conclusion can be reached regarding the reliability of Hogg's logical appeals.

Inference from Specific Instances

To support the minor premise that he had done his duty as attorney general, Hogg turned to inference from specific instances. As evidence he discussed the three cases with which Clark had indicted his record. Hogg generalized that these were instances of unconstitutional acts on the part of the railroads; therefore, as he stated, "I bowed to the Constitution and will do it every time."

Inferences from Analogy

In support of the minor premise that he had done his duty as attorney general, Hogg employed the analogy that if a railroad "takes land it is not entitled to" by what rule of reason, law, constitution, or principle should the state stand by and do nothing? "The State prosecutes a Negro for stealing a bushel of corn . . . and now when it comes to prosecuting railroads to recover 87,000 acres of land unlawfully held, Judge Clark says he would not have brought it." This analogy proved very little as logical support; however, for explanation of the principle it was probably effective.

Exposition

Clark, as first speaker, chose the issues to be discussed. He elected to indict Hogg's record as attorney general mentioning cases tried four years earlier. Hogg had been re-elected attorney general and elected governor after the cases had been tried, yet Clark chose to discuss them again.

Hogg appeared somewhat dismayed at the lack of current issues from Clark. To Hogg this was an infringement upon the people's right to know the facts in order that they might come to a just decision. Since Clark made no promises as to what he would do if elected, Hogg had no arguments to levy against his programs. Hogg's only response was the defense of his own record. His technique was to use exposition to clarify his actions. He pointed out that each case was in keeping with the Constitution. In essence there was little argumentation in the speech, but Hogg saw the need for clarification which he did by exposition.

Ethical Proof

In the assessment of Hogg's ethical proof in the Cameron debate his reputation and the ethical proof used within the speech will be examined.

Reputation

The debate was a confrontation between candidates in one of the most heated campaigns in Texas history, and the audience was

divided. The reputation which Hogg had with this group was also divided. To those who were his supporters he was a "patriot";²² "a man whose watchword [was] duty and whose guide [was] the Constitution";²³ and "a man who [had] fulfilled his promises, obeyed the laws and protected the people and their rights."²⁴ The Hogg followers at the debates carried banners and signs saying "Hogg and Commission,"²⁵ "Hogg is a Prize Winner," and "We Love Hogg for His Grit."²⁶

The followers of George Clark carried banners of "No More One Man Power" and "Turn Texas Loose," indicating their image of the Governor.²⁷ The Dallas Morning News in an editorial the week before had described Hogg's administration as "crude, incoherent, plunging, and disorderly paternalism and spoilism."²⁸ In his campaign speeches Clark spent much time "encouraging the image . . . of Jim Hogg as a rustic from the 'Piney Woods' of East Texas."²⁹

²²Dallas Morning News, April 24, 1892.

²³Dallas Morning News, April 26, 1892.

²⁴Dallas Morning News, April 24, 1892.

²⁵Dallas Morning News, May 5, 1892.

²⁶Fort Worth Gazette, May 5, 1892.

²⁷Dallas Morning News, May 5, 1892.

²⁸Dallas Morning News, April 30, 1892.

²⁹Cotner, Biography, 282.

An incident at Sherman the week before the debate in Cameron provided Hogg's critics with additional evidence of his "country" behavior. During his speech the Governor became thirsty, and the only glass on the rostrum was filled with flowers. Upon seeing this, he picked up the pitcher nearby and drank directly from it to the delight of his audience. Later in the same speech Hogg discussed his eating habits.

There is one charge they make against me that I plead guilty to. When a man does wrong he ought to 'fess up unless his sins are too great. They have charged and have got the proof that I sometimes eat with my knife. I plead guilty and in doing so will beg your pardon and say that I will hereafter eat with a spoon.

The report of the occasion concludes that "This confession had the desired effect--the people enjoyed the humor of it and laughed, . . . the old farmers there, the boys from the forks of the creek, didn't object to the old fashioned democratic etiquette."³⁰ While the rural listeners enjoyed such discussions, the press used this as proof that Hogg was too undignified to be governor.

At Cameron the members of the audience who were in the Hogg camp saw the Governor as a friend to the people and the champion of their cause who had during his life in public office defended the law and the Constitution and through his programs alleviated many of their grievances. However, the Clark forces viewed him as a demagogue bent upon the destruction of Texas.

³⁰The Dallas Morning News, April 24, 1892.

Ethical Proof Within the Cameron Debate

This section will analyze Hogg's ethical proof in his Cameron debate by examining the constituent elements of character, sagacity, and good will.

Character

Hogg directed attention to his character by demonstrating that (1) he and his cause were virtuous and (2) his opponent lacked virtue.

Hogg verified that he was a man of good character by numerous references to his performance of duty. He cited a provision of the Constitution that the attorney general must take "such action as is advisable to prevent railroad companies from violating the Constitution." Then, in reference to his duty, he stated, "I took an oath to that effect when I became Attorney General." To establish further this same idea, he affirmed, "I bowed to the Constitution and will do it every time."

The Fort Worth Gazette reported that the Governor closed his speech "by declaring the Commission had done good [sic], eulogizing the Commission and pledging himself to enforce the law."³¹

Hogg also demonstrated his character by pointing out that his opponent was not virtuous. He indicated Clark's lack of virtue

³¹Fort Worth Gazette, May 4, 1892.

by forcing him to admit that he had not voted for the commission amendment when it was a part of the Democratic platform of 1890. Therefore, Clark was not a loyal Democrat, a damaging indictment in heavily Democratic Texas.

Sagacity

Hogg established that he was a man of sagacity in three areas in the debate through demonstrations of common sense, tact, and his familiarity with Texas law.

The opening remarks by Hogg exhibited his common sense. The audience at Cameron was large and at a fever pitch of excitement generated by the confrontation. Hogg probably recognized that this could have been a volatile situation when, after a prolonged period of shouting and cheering, he said, "I appreciate your demonstration as evidence of your endorsement of me. You should not become excited; go home and do your whole duty. Don't fall into passion or permit your reason to be obstructed, because when men lose their reason it is time for patriots to think."

Hogg also demonstrated his sagacity through his use of tact. He referred to Clark as "the eloquent gentleman" and always addressed him with courtesy. The Fort Worth Gazette in discussing the fact that the debates did not become an exchange of personal insults said, "the speakers referred to each other in the most respectful terms."³²

³²Fort Worth Gazette, May 4, 1892.

Finally, Hogg's sagacity was evidenced by his familiarity with Texas law. Clark admitted that he had authorized land grants for sidings and switches under the Land Grant Act of 1854. Hogg then pointed out that the act did not authorize such actions. This clearly indicated that Hogg was more familiar with the law than Clark and certainly added to his ethical appeal.

Good Will

Hogg aided his ethos by manifesting good will to his audience. He did this through praise of them and identification with them. The Governor praised his listeners after silencing a heckler who had been interrupting his speech unnecessarily when he said, "I shall extend to this audience all the politeness due to ladies and gentlemen. I presume you are honest and fair people and I do not expect to deal with badgers. [Applause.] "

In discussing the East Line case Hogg identified with his audience by indicating that he understood their problems and that he listened to their advice. He stated, "I was informed by the people that the road was not giving them service. People talked and wrote to me that they were afraid to ride or ship goods over the road. I brought the suit."

The Governor also indicated his good will by describing his intentions to run a clean campaign in which he would "discuss with calmness the issues. . . . This is not to be a campaign of personality but one of thought and consideration."

T. S. Henderson, the man who introduced Hogg at Cameron and who was sitting on the speaker's platform during the debate, recorded another example of Hogg's good will toward the Clark forces present. According to Henderson, "The Little Giant [Clark] rose to close the debate. His voice, none too strong at best, could not be heard in the mighty uproar. In vain did he appeal for a hearing; Democracy's sons had already heard enough and were delivering their judgment in a wild clamor that could not be misunderstood. They refused to hear, until the Governor raised his big hand, his great face all aglow and asked them to be quiet and listen to what the Judge had to say. After a final 'Hurrah for Hogg' they yielded, and gave attention to the Judge."³³

Emotional Proof

Hogg's only emotional proof in the Cameron debate was his use of humor when he asked Clark what platform he was running on. In light of the fact that Clark's speech had been a discussion of Hogg's record as attorney general, the Governor asked, "Are you running on my record as attorney general?" Hogg used no other emotional appeals for two possible reasons. First, the audience was excited before he began to speak. Barr described them as "a crowd of hot-tempered partisans."³⁴ With the situation already emotionally charged no

³³Bailey Papers, 363-364.

³⁴Barr, 133.

appeals to emotion were deemed necessary or prudent by Hogg. Secondly, by basing his speech on logic and his ethos the Governor presented a considerable contrast to the frequently emotional Clark.

Dallas Speech

James Hogg's address at Dallas marked a significant change in his campaign strategy. Hogg's first campaign speech since Marlin on July 8, this address was delivered on October 1, 1892, at the state fair music hall in Dallas. The car-barn convention at Houston, the bolt by Clark and his followers, the coalition between Clark and the Cuney-led Republicans, and the court injunction staying the operation of the Texas Railroad Commission had transpired during this period. Hogg's inaction on the campaign trail may be explained by his preparations for the convention and the Supreme Court hearing on the injunction case. Each of these events forced a shift in his campaign strategy.

Prior to the nomination Hogg's emphasis in his speeches had been on the commission issue and his three proposed laws. The voters throughout the state were probably puzzled as to how Hogg would respond to the events which had taken place since his last public speech in July.

Hogg chose Dallas as the place to open his final push toward election. Dallas was the largest city in the state, a commercial center of manufacturing and railroad enterprises. Consequently, many of the Dallas voters considered Hogg's reform measurers as

unnecessary or ill-advised. On the other hand, Clark was very popular, and Hogg considered the Dallas audience as hostile to his views.

In an effort to display strength, the occasion was widely publicized in the Dallas area by Hogg supporters. However, many of the voters in the area who were sympathetic to Hogg's cause were farmers and were too busy getting in their cotton crop to attend the speech. Although around 5,000 people had been anticipated, only 2,000 people attended the speech; and the News declared that many of those were Clark supporters. The speech was followed by a barbecue with over 5,000 attending.

Organization

The following analysis of organization in Hogg's Dallas speech will consider (1) thematic emergence, (2) method of arrangement, (3) rhetorical order, and (4) adjustment to the audience.

Thematic Emergence

As he had in 1890, Hogg maintained throughout his 1892 campaign a consistent theme: Shall corporate power or the people control Texas? According to Hogg, the opposition had attempted to disguise his purpose and to confuse the issue, but as he told his Dallas audience,

Lying within these issues is the pivotal question which the opposition hope to disguise by discussing Federal issues and foreign questions, but I will guarantee that it shall not be done. They may howl and prate, distort the facts, malign the party, and abuse me at a distance, but the main question shall

not be lost sight of. Two years ago I announced it; six months ago I announced it; and today I again announce it. The question is: 'Shall the corporations or the State control?'³⁵

This statement occurred in the introduction of Hogg's Dallas speech and was similar to the statement of the theme at Rusk in 1890. Hogg announced clearly and concisely his position regarding control of corporations. He clarified this position even further with a reference to the Democratic platform, which had declared itself to be aimed at "the restriction of corporate power."

From the theme that the state and not the corporate power should control, Hogg developed deductively each of his seven major arguments in the Dallas speech: (1) the defense of his candidacy, (2) the support of a municipal bond law, (3) the support of a corporate land law, (4) the support of state banks, (5) the support of a stock and bond law, (6) the defense of the Railroad Commission, and (7) the defense of his anti-lynching actions.

Method of Arrangement

In the Dallas speech the division of the material was topical. Five of Hogg's arguments were developed deductively; the sixth, the defense of the Railroad Commission, was developed by causal reasoning; and the seventh, his defense of his anti-lynching actions, was developed by exposition. Hogg's defense of his candidacy covered 21

³⁵The Dallas speech was found in the Dallas Morning News and the Fort Worth Gazette, October 2, 1892, and Cotner, Addresses. All subsequent quotations within this section are from the Dallas speech unless otherwise indicated.

of the 39 pages in the text; the defense of the Commission covered 10 pages; other issues, 5; and the anti-lynching discussion covered 3 pages.³⁶

Rhetorical Order

Hogg's Dallas speech was delivered extemporaneously; newsmen in attendance recorded the speech verbatim. The order of the address denotes a clear demarcation of the major points; however, the internal structure of some of the main points demonstrated no logical pattern, with several admitted digressions by the speaker.

Hogg realized that he was addressing an unfriendly audience and in the introduction there was a weak attempt at securing the good will of the audience.

Fellow Citizens:

When, as a candidate for Governor, I opened my campaign two years ago, I did not mistake the condition of the political pathway before me. Standing before a vast assemblage on my native heath in Cherokee county, I then told them that I was not unmindful of the formidable corporate and political influences that I had to combat, but that I had faith that the power of plain truth would carry conviction against the turbulent stream of prejudice over artful sophistries and establish sound doctrines in the minds and hearts of a just, patriotic people.

Hogg did not preview the body of the speech. His first major point, a defense of his candidacy, was mainly a denunciation of George Clark who constituted his greatest challenge. Dallas was a Clark stronghold, and Hogg was aware of the difficulty he would have in this city. Hogg's primary strategy was to challenge the Democrats to vote the Democratic ticket; and since he was recognized

as the official Democratic nominee, that implied that all "good" Democrats would vote for him. His discussion of a municipal bond law, corporate land law, and stock and bond law were virtually the same as his discussion at Wills Point. The commission question was defended in light of the injunction by Judge McCormick. Hogg had been attacked because he offered a reward of \$1,000 for each man involved in the lynching of a Negro accused of murder. He explained, "My duty was plain. I performed it and have no apologies whatever to make for it. It is a precedent set up on due deliberation which, so long as I am Governor will be adhered to. We had about as well understand this in advance."

Hogg did not conclude his speech with his customary emotional appeals; instead he listed other laws that had been passed during his administration. His final statement was a defense of his record and an affirmation of "Texas and good government now and forever."

Audience Adaptation

The Dallas Morning News report of the speech the following day declared that after the Governor had spoken for two hours "the aroma from the barbecue meat soared in through the open window. 'It's nearly turning out time,' said the Governor. 'Go on, Governor,' the crowd responded and he spoke for another hour."³⁷ An examination of the text reveals that the final hour of the Dallas address

³⁷Dallas Morning News, October 2, 1892.

would approximate that material covered by the commission discussion. It appears that Hogg was planning to cover only the Democratic platform issues in this speech; then when urged to go on, he incorporated the commission defense material.

As in earlier speeches in this study, Hogg was aware that he was speaking to two audiences, the immediate group at Dallas and a larger statewide audience who would read the printed speech. Immediately after the speech, W. L. Moody, a Galveston banker and director of the Gulf, Colorado and Santa Fe Railroad, asked for 100 copies of the speech for distribution to bankers and financiers in the East.

Logical Proof

In the body of the Dallas speech Hogg set out to do the following: (1) defend his candidacy for governor of Texas, (2) establish the need for a municipal bond law, (3) establish the need for a corporate land law, (4) establish the need for support of state banks, (5) establish the need for a stock and bond law, (6) defend the Railroad Commission, and (7) defend his anti-lynching actions. It will be the purpose of this section to discuss the argumentative development and to analyze the logical proof Hogg employed in each of these areas.

Argumentative Development

This section will examine Hogg's argumentative development in support of each of his seven contentions.

Defense of His Candidacy

When James Hogg confronted his audience at Dallas, he was faced with an entirely different situation than at any other time in the campaign. The state Democratic convention met at Houston, August 14, and Hogg was selected as the Democratic gubernatorial nominee. The Clark forces had arrived at the convention with about one third the votes necessary for nomination. When they failed to elect a Clark man permanent chairman of the convention, the Clark delegation walked out, creating an unusual political situation in Texas. The Clark forces moved to Turner Hall and selected George Clark as their nominee.

Another event that had a significant bearing upon Hogg and his campaign was the federal injunction which stayed the power of the Railroad Commission. This decision came on August 22, just after the bolt at Houston. The case had been tried in the month of July, but Judge McCormick delayed the decision until after the convention.

In his Dallas address Hogg's strategy was to demonstrate that he was the official Democratic nominee and that "good" Democrats should vote the Democratic ticket. Hogg did this by contending that since Clark bolted the Democratic convention, he was not a good Democrat; therefore, good Democrats should not support him. Hogg reiterated that he was a faithful Democrat and deserved their support.

Hogg denounced Clark on several counts. The first was Clark's inconsistent position on the issues. On the commission issue Hogg argued that Clark had said at Bellville that the Commission "was all right and that if he [Clark] was elected Governor he would veto any bill that should attempt to change it until a full and fair trial." Hogg pointed out that this was a significant shift from Clark's earlier position since he had voted against the amendment in 1890.

The second indictment against Clark was that he had not presented any state issues. Throughout the campaign Hogg had stressed that his listeners should seek out and find what issues Clark was running on. At Dallas Hogg stated that they would "find none." Clark had spoken in Dallas on September 9, defending his reasons for the bolt and advocating his own election. Referring to Clark's Dallas speech Hogg said that Clark "fails in an eight column speech to discuss a single State issue, to recommend a single State policy or to commit himself to any particular law affecting State affairs, except the subject of state banks." Hogg implied that good Democrats could not vote for a man when they did not know what state issues he was advocating.

Hogg's third indictment of Clark was that a good Democrat would not have bolted the convention; rather he would have obeyed the majority and remained within the party to work for the collective good of the party and the people. Hogg's conclusion was that Clark was not a good Democrat. In response to Clark's argument that the reason for the bolt was "an irrepressible conflict,"

Hogg implied that there could be no conflict since Clark had not indicated what state issues he advocated.

Hogg's fourth indictment against Clark was that he had failed to support the national Democratic leaders. The Governor read excerpts from Clark's speeches in which he attacked Grover Cleveland, Democratic presidential nominee. Hogg quoted Clark as saying, "He [Cleveland] is not my sort of Democrat. He is a demagogue and a charlatan, and the sooner the party ceases to discuss him, the better for the party." Clark's public denunciation of Cleveland indicated that he did not support the leader of the national Democratic party, and Hogg took full advantage of the fact that Clark made this statement in a public speech.

Hogg also indicted Clark as a bad Democrat because he did not support the Democratic platform. According to Hogg, the platform was the only official demand placed upon a candidate for office, a verbalization of the will of the people. Hogg implied that all good Democrats obeyed the platform, and Clark refused to do so.

The sixth indictment of Clark was that he was a "ticket scratcher" and that good Democrats support the entire ticket. Hogg developed this indictment by using Clark's own words against him. In 1887 there was a heated battle in the state over a proposed prohibition amendment. At that time Clark and Hogg were colleagues opposing the amendment. According to Hogg, Clark identified the prohibitionist Democrats as men who had "entered the Democratic household and sat at the Democratic table with treason in their

hearts, bearing malice against all Democrats who refused to bow the knee to their idol. . . . For the fanatical leaders I have no truce." Hogg pointed out that by this statement Clark was "reading out" of the party Democrats who differed from his own philosophy. Again Hogg quoted Clark in reference to Democrats who had not supported the party candidates and platform: "A Democrat who scratches the nominees of his party is no Democrat, and it is useless to treat him as a Democrat." Hogg then concluded that Clark, by his own words, had indicated that "ticket scratchers" were not actually Democrats. The Governor read Clark's admission that he had not voted for the commission amendment even though it was sanctioned by the Democratic platform; therefore, Clark proved he was a "ticket scratcher." Hogg further read Clark's statement made at Denton, December 19, 1891, when he said, "I put my head on a block and wrote my execution like a man, standing up swearing I would not vote for it [the commission amendment]. I could not have voted for it if my life had depended on it." Hogg read all of these excerpts of Clark's speeches from a scrapbook.³⁸ He reviewed this indictment when he said,

Mark you, three years before he denounced men who failed to vote the ticket as unworthy of the name of Democrats, and yet here he voluntarily tells the people that he put his head on a block and wrote his execution like a man, standing up swearing he would not vote for an amendment submitted by a Democratic Legislature and espoused by the Democratic party through its platform. What did he mean by saying that he

³⁸This scrapbook is in the Hogg Collection in the Archives, the University of Texas Library, Austin, Texas.

had written his own execution? Perhaps he remembered the rule he wished to apply to Democrats, and in the smiting of his own conscience felt keenly that he had read himself out of his own party. This view is strengthened when we recollect that on the prohibition amendment the party had not given any expression; while on the commission amendment it had spoken out in no uncertain terms through the platform at San Antonio.

In this summary Hogg used Clark's own words to indict him.

The final and probably most convincing indictment against Clark was Hogg's assertion that Clark was now in reality a Republican and that he was involved in a conspiracy to destroy the Democratic party. Hogg asserted that the fusion of the Clark and Cuney forces meant that Clark had departed "the ranks of the Democracy" and was in reality a Republican. Hogg compared the Clark platform and the Republican platform which he called the Clark-Cuney platforms. "A careful analysis of the hyphenated platforms will expose to the thoughtful mind some singular coincidences to say the least. The language of ten sections or sub-divisions of each are almost identical." Hogg then read from Clark's speeches praising the Republican party for having sacrificed "their party on the altar of their country and . . . joined hands with us." Hogg accused Clark of asking the Democrats to do the same. Then, if the two groups unite "and a new party result. What shall it be called? Copulists, of course. That this new party is the blushing child of disappointment and hope, brought forth in conspiracy whose mission is the overthrow of Democracy, its fond affectionate parents may deny; but the godfather and witness high in their counsels solemnly admit." Therefore, Hogg argued that the Republicans joined with Clark in a conspiracy to

overthrow the Democratic party. Colonel Lock McDaniel, former chairman of the Republican executive committee, whom Hogg called the godfather of the new party, was quoted as saying, "Judge Clark's supporters claim that he is the nominee of the Democratic party, but they know better. They do this to catch votes."

In summary, Hogg levied seven indictments against Clark, each demonstrating that he was not a good Democrat: (1) Clark had no consistent position, (2) Clark discussed no state issues, (3) Clark had bolted the Democratic convention, (4) Clark did not support the Democratic presidential nominee, (5) Clark did not support the state Democratic platform, (6) Clark admitted by his own logic that he was not a good Democrat, and (7) Clark was in reality a Republican attempting to overthrow the Democratic party.

The Need for a Municipal Bond Law

The second contention in Hogg's Dallas speech was that the state of Texas needed a municipal bond law, the same argument which he discussed at Wills Point. He argued that the Constitution gave municipalities the right to issue bonds, but this right was being abused to the extent that the present generation was placing burdens on their children to pay for something the children did not receive. Hogg stated that it was the extravagant issuance of such bonds which caused the problem, maintaining that unless a restriction was placed on this activity all Texans would suffer from a bad economic reputation.

The Need for a Corporate Land Law

Hogg chose as his third contention the need for a corporate land law. This argument also was identical to that used at Wills Point that land corporations were holding land to the detriment of the people of Texas.

The State of Texas Should Establish State Banks

Hogg's fourth contention in his Dallas address was that the state should establish state banks. He explained that the Democratic party through "its various platforms is committed to the abolition of the National banking system." Hogg argued that it was within the right of the state to control all corporations, even banks, within her limits, stating that "States rights on no living question can be consistently resigned by any Democrat."

The Need for a Stock and Bond Law

The fifth contention in the Dallas speech was that the state should enact a stock and bond law also a repeat of his argument at Wills Point. Hogg clarified the rationale behind this law when he stated,

I have always contended that these bonds are issued for payment; that the roads were mortgaged to secure them; that money could not be raised by the railroads except through freight rates levied upon the traffic of the country; and that in proportion to the excess of these rates necessary to pay any bond fictitiously issued, a crime was inflicted upon the people for which the State government is responsible.

Defense of the Railroad Commission

Hogg was forced to defend the Railroad Commission because of the effect that the court injunction staying the power of the Commission was having on the voters throughout the state. The first argument Hogg employed to defend the Commission was a three-pronged attack on Judge McCormick. The first was that the Judge acted injudiciously and made the injunction a political issue by quoting from Hogg's and Attorney General Culberson's speeches in rendering the decision. Hogg added to this when he said, "As the Judge passed beyond judicial lines and injected politics into it, I propose to waive conventionalities and to handle that case as a political question." The Judge transcended his duty "by making quotations from political speeches not within the law books or the record." The second attack levied against McCormick was that he struck down only one section of the 32 sections of the commission law. Hogg stated that "It is an elementary principle of constitutional law that when any exception, proviso or section of a statute on being found invalid can be removed without destroying the main purpose of the law, it must be done and the law permitted to stand." The third attack was that McCormick had a set opinion concerning the law two years before the case was tried and should have disqualified himself. Hogg explained that this information was in a letter written by Judge McCormick in which he also expressed a desire to extend his jurisdiction.

The final argument employed by Hogg in defense of the Commission was the effects of the injunction on new industries, rates,

and the general economy of Texas. His conclusion was that the railroads had gone back to the excessively high rates as before the Commission and the old abuses were in evidence once more.

Defense of Anti-Lynching Actions

Hogg explained that he had been criticized through "vicious stories and vile slanders" for offering a \$1,000 reward for the arrest and conviction of each member of the mob who lynched a Negro, Lee Green, in Cass county the previous year. Hogg explained that he had been requested to state his position on the matter. Since the event took place in east Texas and the Dallas News had wide circulation, he concluded that this was an opportune time to state his defense. Describing the horrible execution of this man, Hogg argued that the Constitution did not allow mob rule and that "we had about as well understand this in advance. . . . Mobs must give way to courts in Texas."

Forms of Support

To support his contentions, Hogg relied on four forms of logical proof: (1) inference from deductive patterns, (2) inference from specific instances, (3) inferences from analogy and comparison, and (4) inference from causal reasoning. In addition, argument by exposition played a significant role in Hogg's Dallas speech. It will be the purpose of this section to analyze the Dallas speech in terms of Hogg's use of logical proof.

Inference from Deductive Patterns

Hogg developed the contentions discussed in the preceding section by the use of inference from deductive patterns. These arguments may be cast into the following categorical syllogisms:

- (1) Major Premise: Only a candidate who supports state Democratic issues is a good Democrat.
Minor Premise: George Clark is a candidate who does not support state Democratic issues.
Conclusion: George Clark is not a good Democrat.
- (2) Major Premise: A Democrat who bolts the Democratic convention is not a good Democrat.
Minor Premise: George Clark bolted the Democratic convention.
Conclusion: George Clark is not a good Democrat.
- (3) Major Premise: Only a Democrat who supports the national Democratic ticket is a good Democrat.
Minor Premise: George Clark does not support the national Democratic ticket.
Conclusion: George Clark is not a good Democrat.
- (4) Major Premise: Only a Democrat who supports the state Democratic platform is a good Democrat.
Minor Premise: George Clark does not support the state Democratic platform.
Conclusion: George Clark is not a good Democrat.
- (5) Major Premise: Any candidate endorsed by the Republican party is a Republican.
Minor Premise: George Clark has been endorsed by the Republican party.

Conclusion: George Clark is a Republican.

The following syllogisms are Hogg's defense of the Democratic platform:

(6) Major Premise: Any abuse of the law should be controlled.

Minor Premise: The counties' and cities' issuance of excessive bonds is an abuse of the law.

Conclusion: The counties' and cities' issuance of excessive bonds should be controlled.

(7) Major Premise: Any corporation inflicting abuse upon the people should be controlled.

Minor Premise: Land corporations are inflicting abuse upon the people.

Conclusion: Land corporations should be controlled.

(8) Major Premise: All corporations within state boundaries should be controlled by the state.

Minor Premise: Banks are corporations within state boundaries.

Conclusion: Banks should be controlled by the state.

(9) Major Premise: The practice of any corporation inflicting abuse upon the people should be controlled.

Minor Premise: The railway corporations' issuance of watered stock and bonds is inflicting abuse upon the people.

Conclusion: The railway corporations' issuance of watered stock and bonds should be controlled.

Analysis of these arguments reveals their syllogistic forms to be valid. Their reliability depends upon whether the premises

are true. Hogg supported the premises with specific instances, analogies and comparisons, causal reasoning, and argument by exposition. The support for the premises must be examined and included before a full conclusion can be reached regarding the reliability of Hogg's logical appeals.

Inference from Specific Instances

Hogg employed specific instances to support each of the minor premises in his indictments against Clark. To demonstrate that Clark was no longer a good Democrat, Hogg quoted 14 excerpts from Clark's speeches and interviews which showed that Clark had repeatedly behaved in a manner unbecoming a good Democrat. Hogg supported the premise that Clark had no state issues by indicating Clark's failure to mention one state issue in an eight column speech delivered at Dallas in September. To support the premise that Clark bolted the Democratic convention Hogg quoted Clark's reason for the split as "an irreconcilable division." Hogg also quoted Clark's campaign speeches to demonstrate that he was opposed to national Democratic leaders, Grover Cleveland, specifically. From all of these specific instances Hogg generalized that Clark was not a good Democrat. The scope of the examples is sufficient to make the generalization reliable.

Hogg supported his premise that in reality Clark was a Republican with a quotation from Colonel Lock McDaniel, former chairman of the Republican executive committee, who said, "Judge Clark's supporters claim that he is a nominee of the Democratic

party, but they know better, they do this to catch votes." Hogg generalized that if the leaders of the Republican party identified Clark as a Republican, then he was in fact a Republican.

To defend his premise that the railroad corporations' issuance of watered stock and bonds were inflicting abuse upon the people, Hogg cited numerous statistics of railroad income after paying out over \$90 million as dividends on their stock. Hogg generalized his conclusion: "In the aggregate the railroads of this government [the entire United States] collected last year over \$15 per capita of the whole population."

One of the arguments Hogg employed to defend the Railroad Commission was that Judge McCormick, the federal judge who issued the injunction against the Commission, was in reality prejudiced against the Commission. Hogg cited a letter written by McCormick two years before the trial in which the Judge expressed "his antipathy to the Commission." The conclusion drawn by Hogg was that McCormick should have excused himself or moved the case to another court.

The Governor read excerpts from six letters from different parts of the state indicating that after the injunction the railroads increased rates to the point they were before the Commission. He drew the generalization that "This is a common condition all over Texas. Letters freely come to the Commission and my self as strong as these, describing the outrages inflicted on the people of Texas . . . by the voracious traffic managers now in charge of the railway rates in Texas."

Inferences from Analogy and Comparison

To defend his candidacy Hogg presented a comparison between Clark's platform and the Republican platform and concluded that the number of similarities between the two suggested that Clark was not only a poor Democrat but in reality a Republican. The following chart portrays the comparisons Hogg made between the Republican platform and Clark's platform:

Extracts from Republican Platform

We condemn all forms of communism and State socialism, and view with alarm the existing war in this State upon property.

We demand that the State Legislature enact such laws as will protect the ballot of every citizen in accordance with the demands expressed in the election plank of the National Republican platform.

We demand the passage of such laws as will further the building and keeping in repair of a system of inter-county public roads.

Our sympathies are most cordially extended to all laboring people in their efforts to better the conditions of themselves and those dependent upon them.

We condemn all revolutionary methods and violence on the part of our citizens, believing that an appeal to the law best protects every citizen in the enjoyment of his right.

Extracts from Clark Platform

We condemn all forms of communism and State socialism, and view with alarm the existing war upon the rights of property in this State.

We condemn the loose and unrestricted manner of voting in this State and demand the passage of such laws as will prevent illegal voting.

We demand that laws be passed to further the building of public roads in this State, thereby affording facilities for the people to get their produce to market.

Our sympathies are most cordially extended to all laboring people in their efforts to better the condition of themselves and those dependent upon them.

We deprecate and oppose all resorts to violence or revolutionary methods on the part of any class of our citizenship, believing that an appeal to the law always furnishes the best protection to the citizens in the enjoyment of all rights.

We condemn all legislation calculated to drive capital out of this State or to turn immigration from us.

We demand that the coming Legislature shall provide for the collection from the Federal government of the bounty on sugar produced on the State farms.

For a selfish, if not corrupt, purpose, it (the Democratic administration) has invaded and begun to destroy the common heritage of the children of Texas--the sacred school fund--bequeathed in trust to them by their forefathers.

We arraign the present administration of Texas because it has driven much capital out of Texas and prevented the coming of much more.

We arraign the present administration of Texas because it has unsettled land titles and depreciated taxable values.

Hogg pointed out that a "careful analysis of the hyphenated platforms will expose to the thoughtful mind some singular coincidences to say the least." The comparisons appear valid, and Hogg's conclusions seem reliable.

To support the fourth major argument, the need for a corporate land law, Hogg repeated the same two analogies of Britian

We condemn all legislation calculated to drive capital or immigration from us.

We demand that the State shall collect from the Federal government the bounty on the sugar produced by the State convict farm, and that such bounty be given to the Confederate Home at Austin; and we denounce the veto by Governor Hogg of the joint resolution passed by the Twenty-second Legislature, by which the State lost the bounty, as a species of cheap political demagoguery.

We oppose what is commonly called the Jester amendment, and the law enacted thereunder, because the effect of the same will be to ultimately squander the school fund.

We arraign the administration of Governor Hogg because it has driven and is keeping capital out of the State.

We arraign the administration of Governor Hogg, because it has unsettled land titles and retarded immigration.

and Ireland which he had used in the Wills Point speech, arguing that less than 1000 persons own every foot of land in Ireland; "yes, 400 members of the House of Lords own nearly 15,000,000 acres of land." Although there are significant differences between Texas, Ireland, and England, the principles of tenantry and absentee ownership of land in each country are analogous enough to make the comparison valid.

In the Dallas speech Hogg added analogies involving France and New York, and one analogy drawn from the Bible. He stated that France "presents the pitiable spectacle of improverished people, a large portion of whom are permitted to eke out a miserable existence in 300,000 cabins without windows." Hogg implied that the same condition could occur in Texas. France and Texas lack a sufficient number of similarities to make this analogy work. The analogy involving New York stated that of the 2,000,000 inhabitants in the city, only 13,000 owned real estate. Hogg's conclusion from this analogy was that "Land monopoly means pauperism." This comparison between the tenant in New York who is victimized by absentee landlords and the possible tenant problem in Texas seems valid. Differences exist between the situations in New York City and the plains of Texas, but the principle Hogg was arguing seems valid. The major considerations were absentee ownership and the harms of tenantry, and these are analogous.

Hogg also defended the need for a corporate land law with a quotation from the Bible:

We have mortgaged our land to buy corn because of the dearth. We have borrowed money for the king's tribute, and that upon our lands and vineyards. Yet now our flesh is as the flesh of our brethren, our children as their children, and lo, we bring into bondage our sons and our daughters to be servants, and some of our daughters are brought into bondage already; neither is it in our power to redeem them; for other men have our lands and our vineyards.³⁹

Hogg attempted to demonstrate that unless land corporations were controlled the fate of Texas farmers would be similar to the Judean farmers. There are a number of similarities between the Judean farmers and Texas farmers. Both suffered as the result of drought; both were forced to mortgage their lands; the families of both helped to provide income; and finally, the lands of both were ultimately controlled by others. The basic differences are those of time and distance; however, the fact that this was a Biblical analogy coupled with the similarities made it an effective supportive device.

Hogg concluded that the land corporations were precursors of land monopoly, and he described this as "the most desperate condition that confronts the American people today."

Inference from Causal Reasoning

In defense of the Railroad Commission Hogg presented a chain of causes to support his conclusion that the injunction had harmed the state economically. He argued that the lack of a stock and bond law caused the injunction, the injunction caused the

³⁹Nehemiah 5:1-5.

railroads to increase their rates, and increased rates caused economic harms in the state. He further argued that before the injunction significant progress was being made in the areas of new industries, increased capital investments, and employment; but because of the injunction this would begin to decline. Hogg claimed the injunction staying the operation of the Commission had allowed the railroads to reinstate their high rates and discriminatory practices. The effect was a critical harm to the state. He supported this conclusion with letters from farmers, shippers, and manufacturers throughout the state declaiming their plight because of the increased rates. A corollary to this argument was that if the amount of money circulating throughout the state was increased from the present \$12.50 per capita to \$50.00 as the Populists wanted or \$150.00 as Clark proposed, the issuing of watered stock and bonds would increase. Hogg's conclusion was that this increase would cause a real harm to the state. Since most of the railroad money went out of state, it would cause a critical economic condition. He concluded, "With this condition existing, is it any wonder that the money of this country is so rapidly concentrating into the hands of the few to the distress of the many?"

From this chain of reasoning Hogg generalized that although it was a costly lesson, thinking people across the state were learning the Commission was indeed an advantage to the Texas economy and that the injunction was harming the state. Hogg did not state directly but implied that the railroads were arriving at the same conclusion

when he said, referring to the injunction, "they [the railroads] have a hot poker in their hands and are about to turn loose." Throughout this discussion he referred to the Judge's decision as a "temporary injunction" predicting that the Supreme Court would soon rule in favor of the state, which it did on May 26, 1894.

Hogg's argument for a corporate land law was the same in his Dallas speech as he had argued at Rusk in 1890 and at Wills Point. He stated that land corporations owned 40,000,000 acres of land in Texas or about one-fourth of all the land in the state, and concluded that this corporate ownership of land was causing "a land monopoly" and that the corporate land law he was advocating would "check monopoly so as to protect the people against the greatest curse that ever afflicted any government where it was permitted."

To support his premise that the cities' and counties' issuance of excessive bonds was an abuse of the law, Hogg argued that the selling of bonds above the municipalities' ability to pay was creating a bad fiscal reputation. He stated that his proposed law would "have those abroad as well as our people at home protected from such humiliation and wrong."

Argument by Exposition

In the Dallas speech Hogg used exposition as a supportive device in the same fashion he had in his Wills Point speech. The two methods discussed in this section will be Hogg's use of definition and narration as argumentation.

Definition. Hogg's contention that the state should control the issuance of municipal bonds was supported by his use of definition. He maintained that the municipalities had the right to issue bonds, but when that issuance became "extravagant," controls must be set. Hogg then defined extravagant as the issuance of bonds that "exceed necessary public demands or constitutional limits," concluding from this definition that increased confidence in the Texas economy would be the result of this proposed law thus making it easier to obtain capital for necessary demands.

The second definition used was that of two types of capitalists. One, he said, has money to permanently invest in order that the investor can get a reasonable return for "fair dealing" "honesty," and the general good of the state. Hogg encouraged this kind of capitalization. The other type was defined as capitalists who expected to grow "suddenly rich from concocted inflations and booms at the expense of others." According to Hogg, these investors are rascals and frauds; and when they are allowed to operate, the honest investor with honest money will be cautious. Hogg concluded that the state of Texas did not need speculative investors.

Narration. Hogg employed narration in the defense of his candidacy by tracing the political record of George Clark. Attempting to prove to the Democrats assembled at Dallas that he, not Clark, was the leader of the Democratic party, Hogg recounted in narrative form Clark's public career. He characterized Clark as a man who had held many public offices, always appointive. Hogg maintained that Clark

had been prominent in state affairs and had been his colleague in the prohibition fight; but Clark, although a candidate several times, had never won an election.

Hogg also employed narrative to trace the events leading up to the Railroad Commission trial and the injunction, concluding from his narrative that Judge McCormick should not have tried the case, that the Commission had been working, and that the Texas economy had suffered because of the injunction.

The press had attacked Hogg regarding his strong opposition to lynching. He claimed that "many vicious stories and vile slanders have been circulated throughout the state . . . to stir up race prejudice." He employed narration to explain why he had authorized a \$1,000 reward for each member of a lynch mob. He indicated that a woman and a child had been murdered in Cass county. The circumstances pointed to a Negro, Lee Green, who was arrested and jailed; at night a mob broke into the jail, took Green to the scene of the crime and executed him. Green had confessed to the crime, but Hogg claimed that the "horrible execution violated every guarantee of the Constitution." The Governor offered a reward of \$1,000 for the arrest and conviction of each member of the mob and declared, "My duty was plain and I performed it and have no apologies to make for it. . . . The people have the power to repeal the laws and relieve the officers of their execution. Until they do change them or put me out of office, I shall be standing up by my constitutional obligations under all circumstances and exigencies, performing my duties as I understand them. . . . We had about as

well understand this in advance. . . . Mobs must give way to courts in Texas." This narrative was designed to counter some of the attacks on him and based on racial prejudice. Hogg's defense of his position was direct, to the point, and based on the law. Although an extraordinary position for a public servant to take regarding the lynching of a Negro in Texas in 1892, it appears to have been an effective defense of his actions.

Ethical Proof

In assessing Hogg's use of ethical proof in his Dallas speech two elements will be noted: (1) Hogg's reputation prior to the speech and (2) the ethical proof he used within the speech.

Reputation

Dallas was the most populous city in Texas in 1892, and boasted the newspaper with the largest circulation in the state, the Dallas Morning News. When Hogg spoke in Dallas his reputation there was naturally colored by the paper's coverage of his stump speeches and by its editorial comments. The News was the only Texas paper to assign a special reporter to cover in detail each of the Governor's speaking engagements, and reports of his appearances were in every issue of the paper during the campaign. Therefore the audience Hogg faced on October 1, 1892 was well informed as to his previous utterances and actions.

Hogg's friends and enemies alike agreed that he was a fighter. The 1892 campaign as well as his entire political life evidenced this fact. This quality was one of the things which earned him the appellation of "the people's governor." The Texas press had been Hogg's adversary since his emergence into state prominence, and during 1892 he was under constant attack. The Dallas Morning News denounced him for having an "excess of temper,"⁴⁰ "aggrandizing,"⁴¹ being "radically aggressive,"⁴² and being "comic."⁴³ It claimed his speeches were "illogical and senseless blundering"⁴⁴ filled with "sedition and tyranny,"⁴⁵ "fraud and ignorance."⁴⁶ In attacking Hogg's administration the News called it "crude, incoherent, bungling, and disorderly paternalism and spoilism."⁴⁷ The Commission was described as "terrible," "blighting," "a constitutional monstrosity," and a "bastard mongrel of Hoggism."⁴⁸ The result of this type of attack was a running battle which Hogg carried on with all the major Texas dailies.

⁴⁰Dallas Morning News, April 30, 1892.

⁴¹Ibid.

⁴²Dallas Morning News, May 7, 1892.

⁴³Dallas Morning News, September 9, 1892.

⁴⁴Dallas Morning News, June 7, 1892.

⁴⁵Dallas Morning News, May 19, 1892.

⁴⁶Dallas Morning News, May 21, 1892.

⁴⁷Dallas Morning News, April 30, 1892.

⁴⁸Dallas Morning News, September 12, 1892.

He frequently referred to the Belo papers, the Dallas Morning News and Galveston Daily News, as the "double ended whizzer,"⁴⁹ "the double ended buzzer with one foot in the sea and the other up here in north Texas,"⁵⁰ or "the double ended whizzing boss anathematizer."⁵¹ During a stump speech at Clarksville Governor Hogg attacked the papers with more than usual vigor and was in turn criticized for it. The Houston Post in reporting the incident accused him of using "language more befitting a brothel than the hustings."⁵² The Dallas paper indicated that it "charitably waived its right and duty to print many of his silly and indiscreet utterances."⁵³ When at Granbury, Hogg refused to ride with the News reporter and requested that no special facilities be provided for the press.⁵⁴ After a member of the Lockhart audience quoted the News to the Governor, he said, "Don't quote the News on me. That ain't right. I will say that the News is the ablest champion of the other side and that all the rest of them follow in its wake. Its veracity is as good as any of the rest in the opposition. If that is any compliment the News is welcome to it."⁵⁵ The paper,

⁴⁹Dallas Morning News, May 22, 1892.

⁵⁰Dallas Morning News, October 12, 1892.

⁵¹Dallas Morning News, May 22, 1892.

⁵²Houston Post, May 10, 1892.

⁵³Dallas Morning News, May 12, 1892.

⁵⁴Dallas Morning News, May 29, 1892.

⁵⁵Dallas Morning News, June 27, 1892.

however, maintained that these attacks were "done for effect;"⁵⁶ and, in truth, a comrade spirit developed between Hogg and the reporter assigned to cover his speeches.

Hogg's little daughter, Ima, accompanied him on some of his campaign tours. The News described her as a "bright little miss of 7 or 8 years, a perfect blond, with golden hair and blue eyes and of willowy form." She frequently stuffed her toys in her father's pockets, and in the middle of a speech Hogg would reach for a handkerchief and find her dolls or ribbons. "It invariably causes a laugh, and Governor enjoys it as much as anybody."⁵⁷ The Fort Worth Gazette carried a cartoon picturing the Governor wearing a small feathered cap; the feather in his cap was "Miss Ima."⁵⁸ Her presence furthered Hogg's reputation as a family man devoted to his children.

Critics accused Hogg of undignified behavior which they attributed to his country upbringing. "Clark spent considerable time belittling Hogg's knowledge of business. . . and encouraging the image many city dwellers had of Hogg as a rustic from the 'Piney Woods' of east Texas."⁵⁹ Hogg did nothing to discourage this image but used it to advantage. At Sherman he drank out of a pitcher since the glass was filled with flowers.⁶⁰ This bit of business was so successful and

⁵⁶Dallas Morning News, June 2, 1892.

⁵⁷Dallas Morning News, June 14, 1892.

⁵⁸Fort Worth Gazette, May 4, 1892.

⁵⁹Cotner, Biography, 282.

⁶⁰Dallas Morning News, April 24, 1892.

became so well known that he did the same thing at numerous places. Some of the Dallas audience perhaps remembered the speech the Governor made in their city in April during which he drank from a pitcher and apologized "if he had violated the social ethics" of Dallas.⁶¹ The ladies at Clarksville presented him with a gourd, and he drank from it "amid tremendous applause."⁶² At Waxahachie he looked for a drinking glass and seeing none said, "I want you all to notice that there is neither glass or gourd here and I have to drink out of the pitcher," which he did before continuing. "I have learned not to let the lack of a glass or a gourd deter me from drinking water when I am thirsty. I have seen the time when I had to drink water out of a horse track."⁶³ Hogg carried a bucket of water to the speaker's stand after his introduction to the Dallas audience on October 1st.⁶⁴ There is no indication that he drank from it, but it was an obvious reminder of his pitcher incidents.

The Governor's eating habits were frequently discussed in the press and mentioned by him in his speeches. During a speech in Dallas in April, Hogg described how "he ate ice with his fingers saying he could not eat it with a fork and it slipped off the knife

⁶¹Dallas Morning News, April 28, 1892.

⁶²Dallas Morning News, May 8, 1892.

⁶³Dallas Morning News, June 15, 1892.

⁶⁴Dallas Morning News, October 2, 1892.

and his fingers was [sic] the surest way of getting it to his mouth."⁶⁵

At Bryan he gave a discourse on "table ethics."

By granny, I believe in eating in the good old way. There are but few things that I love better than my magnificent appetite, and when I eat I eat without any ceremony and I don't care who see me, either. For instance, when I eat brandy peaches out of cup I don't propose to sit there and peel 'em with a spoon. By gatlins, I just take 'em in my fingers and eat 'em in the old fashioned way.⁶⁶

Reference was made in the press to Hogg's size both in print and in political cartoons. He admitted that "some people fell out" with him about his shape.⁶⁷ At Denton he said he had "respect for the railroads as long as they obey the laws. The fact is I don't want to hurt the railroads, for I am the poorest equipped fellow in the world for walking." He continued by saying, "I have to waddle around like a muskovy duck."⁶⁸

In a summary of the preceding week's campaigning the special reporter for the News commented that Hogg imitated Sam Jones in some of his speeches.⁶⁹ Rev. Sam Jones was a preacher who was a master of "English as she is spoke."⁷⁰ Hogg's colorful language found its way into almost every report of his speeches. With a reporter Hogg

⁶⁵Dallas Morning News, April 28, 1892.

⁶⁶Dallas Morning News, July 2, 1892.

⁶⁷Dallas Morning News, June 18, 1892.

⁶⁸Dallas Morning News, June 16, 1892.

⁶⁹Dallas Morning News, June 6, 1892.

⁷⁰Houston Post, June 7, 1890.

discussed his frequently used phrase, "By gatlins," and indicated that he had been using it as long as he could remember and had never heard anyone else use it. When asked if he ever "cussed," he replied, "By gatlins, I have enough to contend with to make me a star 'cusser,' but I don't go any further than 'dad blame it.'"⁷¹ This, however, was not actually true if the news reports of his speeches were accurate.

Many of Hogg's slang expressions referred to those who opposed him, whom he called such things as "snoozers,"⁷² "a rack brained stinker,"⁷³ "a copulent possum-faced dude,"⁷⁴ "little 2 x 4 czars,"⁷⁵ "greenhorns,"⁷⁶ and "gourd heads."⁷⁷ In reference to a circular distributed by the railroads Hogg described it as "a bastard mongrel without any lineage."⁷⁸ While campaigning in Bryan in July he commented, "Dad blame my cats if it ain't as hot as a frizzly hen in a wool blanket."⁷⁹

⁷¹Dallas Morning News, June 27, 1892.

⁷²Houston Post, April 27, 1892.

⁷³Ibid.

⁷⁴Dallas Morning News, October 2, 1892.

⁷⁵Dallas Morning News, April 24, 1892.

⁷⁶Dallas Morning News, April 26, 1892.

⁷⁷Dallas Morning News, May 28, 1892.

⁷⁸Dallas Morning News, May 27, 1892.

⁷⁹Dallas Morning News, July 2, 1892.

The audience at Dallas gathered to hear a man who on one hand had the reputation for being a champion of the people, a devoted family man, a man who fought for what he believed and against those who opposed him. On the other hand Hogg was reputed to be a fat glutton whose speech was too often colorful, a man too undignified to be the governor of Texas. This dual reputation preceded Hogg to Dallas, October 1, 1892.

Ethical Proof Within the Speech

This section will analyze the ethical proof used by Hogg in his Dallas speech by examining the constituent elements of character, sagacity, and good will.

Character

Hogg directed attention to his character by (1) demonstrating that he and his cause were virtuous and (2) demonstrating that his opponents and their cause lacked virtue.

The Governor demonstrated that he was a man of good character by depicting himself as fighting for the good of Texas. He stated in his introduction that he expected to "continue on in this fight for the next ten years, and if necessary unremittingly thereafter until the principles in support of which I have spent the best part of my life are firmly fixed and established into the accepted law of the land." This trait of fighting for what he considered important probably enhanced his ethos.

Secondly, as Dallas as at Wills Point, Hogg presented himself as an honest man interested in establishing and maintaining a good fiscal reputation for the cities and counties in Texas in his discussion of his municipal bond law.

I want them [municipal bonds] restricted to undoubted public necessities. I want them valid beyond question, and I want them to bear the lowest possible rates of interest on which they may be floated at par; and then as a matter of common honesty, to say nothing of pride and policy, I want to see every dollar of them promptly paid, without their having to wade through a mesh work of technicalities in the courts of the country to the injury of the people and the loss of the holders.

The Governor further bolstered his character in the conclusion of the Dallas speech with a challenge to inspect his record in the light of truth.

Standing, therefore, upon the record of the past, to which I invite the continuance of the most searching, scrutinizing inspection under the light of truth, I present it to the people as a pledge of what I shall do when re-elected, under the Constitution and laws, in obedience to the Democratic platform and sound principles of the Democratic party. Texas and good government now and forever.

Hogg also demonstrated his good character by linking his cause with what was virtuous when he quoted from the Bible in the discussion of the absentee ownership problem in Texas. His application of Biblical history to current issues indicated that he had a knowledge of the Bible, a fact which would certainly have a favorable effect upon his ethos.

In order to minimize the effect of press criticism accusing him of racism as a result of his offer of rewards for the arrest and conviction of white men for the lynching of a Negro, Hogg defended his actions. Basing these actions upon the law rather than a question

of race, he affirmed, "My duty was plain. . . . This sentimental howl over the country against the Governor for attempting to perform his duties under the Constitution in having the laws faithfully executed is unbecoming even to pusillanimous cranks. . . . I shall be standing up to my constitutional obligations under all circumstances."

Further enhancing his own good character by attacking the character of his opponents and their cause, he claimed that (1) Clark was not a good Democrat but really a Republican, (2) Judge McCormick had acted improperly in the railroad commission case, and (3) the actions of the opposition were injurious to the people of the state through the court injunction.

Hogg, the Democratic party's gubernatorial nominee, chose to defend his candidacy by attacking Clark, his pseudo Democratic opponent. This attack consumed more than half of the speech, twenty-one pages of the thirty-nine page printed text. He read a series of quotations from Clark's campaign speeches and interviews, all of which were published in the Dallas Morning News and Galveston News, papers which supported Clark. Using Clark's own statements, he accused Clark of being inconsistent, intolerant, a ticket scratcher, opposed to Democratic principles, and a bolter. Hogg read portions of Clark's platform, compared them with sections of the Republican platform, read additional quotes from Clark's speeches, and concluded that he was a conspirator plotting the destruction of the Democratic party and was in reality a Republican. Clark, in spite of his bolt of the Democratic convention and his

alignment with the Cuney-led Republicans, still identified himself as a Democrat. Hogg attempted to prove otherwise. Although he never stated it, he alluded to the conclusion that as the gubernatorial nominee of the Democratic party, he was the only candidate any good Democrat would support.

In discussing the merger of the bolters with Cuney and the Republicans, Hogg branded this coalition "Copulists" saying that "this new party is the blushing child of disappointment and hope, brought forth in conspiracy whose mission is the overthrow of Democracy." He further asserted that "the bi-striped⁸⁰ Federal office holder spreads forth the 'protective wing,' . . . bids welcome to the 'has beens' of Democracy, and by a 'cohabitation against the laws of nature'⁸¹ and the two old parties brings [sic] forth the Copulists." The term "copulists" was an epithet coined by Hogg. An epithet, according to Bryant and Wallace, "substitutes for the proper name of a person or a thing, a word or phrase that suggests some distinctive trait or quality." They also indicate that coined words used in this way "are hard to come by . . . ; nevertheless, if the speaker can coin but one, or two expressions, they are worth his time and imagination."⁸²

⁸⁰N. Wright Cuney, Collector of the port of Galveston, was a mulatto.

⁸¹A possible reference to the statute forbidding the cohabitation of whites and Negros.

⁸²Bryant and Wallace, 335.

This slang word coined by Hogg caused a furor in the press. A Dallas Morning News editorial said, "his allegations of foul schemes of conspiracy and political partnership between Clark and Cuney are forcible in nothing but their bad English and their indecent suggestions."⁸³ The Fort Worth Gazette's editors stated, "There is no necessity that the governor of Texas in addressing his people in a carefully prepared speech should indulge in the use of language that would do credit to the slums of 'hell's half acre.' . . . A man may be forgiven for the use of intemperate language in an impromptu stump speech--but in a well considered carefully prepared address it is inexcusable."⁸⁴ The Austin Statesman shamed the Governor by saying, "Oh! For shame, Governor Hogg. If you had no respect for the men of Texas you might at least have clothed your hatred for the Clark people in language for the ladies of the state to read."⁸⁵

Since many of the members of the Dallas audience were Clark supporters, all of these attacks upon Clark, if not convincing, were thought provoking to men who considered themselves good Democrats.

Secondly, Hogg accused Judge A. P. McCormick of being guilty of improper behavior, claiming McCormick was prejudiced against the Commission long before the case was tried and had voiced this opposition in his correspondence. Rather than basing the injunction

⁸³Dallas Morning News, October 2, 1892.

⁸⁴Fort Worth Gazette, October 4, 1892.

⁸⁵Austin Statesman, October 3, 1892.

firmly in law, Hogg claimed McCormick based the decision on politics since he quoted Hogg's and Attorney General Culberson's political speeches in the decision. Finally, Hogg stated that it was "an elementary principle of constitutional law that when any exception, proviso or section of a statute on being found invalid can be removed without destroying the main purpose of the law, it must be done and the law permitted to stand." McCormick, however, struck down the entire commission law not just the offending section.

Third, Hogg accused the railroads of returning to their former discriminatory practices and exorbitant rates after the Commission's restraints were removed by the injunction. He concluded that injury to the people resulted from the "unlimited, continuing, vicious effect upon the material interests of Texas by the change of the traffic scales from the Commission's hands into those of traffic managers."

Sagacity

The Dallas speech was designed for two audiences, as were all the other speeches analyzed in this study. Hogg knew that copies were to be printed and distributed throughout the state by his supporters, and he assumed that this speech would be published in its entirety by the Dallas paper. The News was opposed to Hogg, and Dallas was a Clark stronghold, hence the audience may be classified as hostile; however, Hogg's strategy, to draw a comparison between his candidacy and George Clark's, may have been aimed at his larger audience, the Texas Democratic party.

Hogg demonstrated his sagacity with his use of specific quotations from the News, referring to fifteen separate statements made by Clark. The general conclusion he drew from these excerpts was that Clark was not a good Democrat. It is unlikely that anything would have altered the thinking of the staunch Clark supporter, but for the borderline Democrat undecided as to which candidate to support or upset over the bolt, Hogg's use of these materials probably aided his sagacity.

Hogg supported his conclusion that the injunction was injurious by reading directly from six different letters from citizens across the state claiming the harmful effects to their particular enterprises because of the injunction. This display of data aided in the demonstration that Hogg was truthful in his claims.

In his indictment of the towns and counties for issuing bonds in excess of their ability to pay, Hogg showed the Dallas audience the same list of eleven municipalities in default that he had shown the Wills Point audience.

Indirectly Hogg's use of rhetorical practices provided further evidence of his sagacity. Although his conclusion may have been unfavorable to some, his clear deductive structure was probably evident to this audience. His use of quotations and Clark's own statements made it difficult to deny his logic.

Good Will

At Dallas Hogg revealed his good will through (1) praise of his audience and (2) his identification with his hearers.

Hogg praised his audience by saying he had "faith that the power of plain truth could carry against the turbulent streams of prejudice over the artful sophistries and establish sound doctrines in the minds and hearts of a just, patriotic people." He complimented them for being men used to hardships who would not falter in support of a sound principle. He also referred to his belief that the "power of truth and justice could not escape the hearts and minds of the Texas people." Reference to his confidence in the people of the state appeared in the Rusk speech, the Wills Point speech as well as in the Dallas speech. Near the end of the speech the Governor complimented his audience for their "patient hearing" of his address.

As the Democratic gubernatorial nominee, Hogg directed his entire speech to members of the party. Identifying with his audience, he recognized that both he and his listeners belonged to the same party. One hundred times within the speech he addressed his audience as "Democrats" or referred to the Democratic party by name.

Emotional Proof

The theme of Hogg's Dallas speech was identical to his Rusk speech two years earlier and his Wills Point speech, "Shall the people or corporate power control Texas?" Hogg supported this theme with emotional appeals to loyalty to the Democratic party, pride in the party, fear, honesty, and justice.

Loyalty to the Democratic Party

An important element in Hogg's Dallas address was his appeal for Democrats to remain loyal to the party and support the party ticket and the party gubernatorial nominee. The majority of his address centered around this problem. The success of his strategy in denouncing Clark was dependent upon the listeners' loyalty to the party. Hogg encouraged all Democrats to be diligent in working for all elective offices within the party. His warning that "If they cannot get the Governorship the opposition would like to capture a branch of the legislature or any other office" was directed at both the "copulists" and the Populists. Hogg further warned voters to "watch out for conspirators. . . . Virginia had her Mahone and Mississippi had her Chalmers and Texas has her--well." Probably a reference to Clark, the assertion was a warning against being misled by fringe groups. Hogg urged the Democrats to "Look out. Fall in line. Close up ranks and march forward in harmony. . . . Dishonor attends the swapping off of the county, district, State or National ticket." This appeal to party loyalty combined with his attacks on Clark constituted a major consideration in his Dallas address.

Fear

Hogg employed an appeal to fear to support his corporate land law argument, virtually repeating his statement at Wills Point. He stressed the need for the people of Texas to be allowed to purchase their own land and that the land corporations were

prohibiting this. Appealing to fear Hogg stated that if controls were not placed upon these corporations, the tenant situation would worsen and Texas would be like England and Ireland where the land was controlled by absentee owners. Hogg buttressed this appeal with a quotation from the Bible in which the Judeans had mortgaged their land to buy corn, borrowed money to pay their taxes, and were forced to submit their children to bondage because other men owned their land.

To support his argument for a stock and bond law the Governor also appealed to fear. He explained that it was within the power of the state to control the issuance of stocks and bonds if the law he proposed was passed; but if it was not, "peonage and pauperism in time await the masses as a penalty for her negligence."

Honesty

The argument for a municipal bond law was supported by an appeal to honesty when Hogg pointed out that eleven municipalities were in default to one out-of-state investor

who in good faith paid par for them, and that upon one technicality and another, involving constitutional questions and the authority of those who issued them as well, upon which their payment has been refused and court proceedings resorted to by which to defeat their just payment, then you can understand the chagrin that I as a citizen and an officer of the State feel over the subject, and will appreciate the keen desire of every honest man to have those abroad as well as our people at home protected from such humiliation and wrong.

Pride

Hogg appealed to the pride of Democrats in their party when he described the party as "unstained," "unbroken," "unshaken," "invulnerable," "fortified with a record shining forth with resplendence throughout the length and breadth of the nation." Probably referring to Clark and the bolters, he urged the Democrats at Dallas to "Let not a foul blot be placed upon her escutcheon by a treacherous hand" for this "would in time reach the heart of the party, diffusing the poison throughout every fiber of its organization."

Justice

Hogg defended his actions opposing lynching by an appeal to justice. He stated that he was elected governor to uphold the Constitution and that the constitutional rights of the Negro, Lee Green, were violated. Hogg had been criticized as an opponent of justice since he decried Green's brutal execution. To describe the event, the Governor read from a newspaper account explaining that a mob broke into the Cass county jail and took Green.

He was carried off a hundred yards away, bucked over a log, given two hundred lashes with a hickory stick, the end of which was split in four parts. He was then chained to a tree and his body lacerated with knives. His body was split like butcher's meat; the muscles were carved and torn from his legs and arms. He never whimpered, but would curse every time the knife was stuck in him. Rubbish was piled about him and set on fire. His legs were burned nearly off before the flames reached his heart. Finally blisters were burned on his face. He swallowed the blaze, and screamed once like a calf bleating and then died.

Hogg argued that although Green was a confessed murderer this mob execution "violated every guarantee of the Constitution." Hogg then listed those guarantees.

Our organic law provides that in a criminal case the accused shall have a public trial by an impartial jury; that he shall have the right to demand the nature and cause of the accusation against him and to have a copy thereof; that he shall not be compelled to give evidence against himself; that he shall have the right of being heard by himself or by counsel or both, and shall be confronted with the witnesses against him; that he shall have compulsory process to procure the witnesses in his favor; that he shall not be compelled to answer to a felony unless on indictment of a grand jury; that no cruel and unusual punishment shall be inflicted upon him. All these rights are fully fortified by a code of laws, and the Governor, under his constitutional oath and obligations, is required to see the laws faithfully executed.

The speaker explained that \$1,000 reward was authorized for each person involved in this action of "unparalleled inhumanity," for such was the duty of the governor. Hogg then assured the audience that he would "repeat the action in every similar case while I am governor, whether the victim is white, black, a citizen or a foreigner, guilty or innocent!"

Summary

By 1892 the forces opposing Hogg had organized into two separate camps, opposition within the Democratic party and the growing third party movement. With the support of the large corporations and the press George Clark led a faction of the Democratic party which united with the Republican party in an effort to deny Hogg's re-election. The disgruntled farmers and the "misinformed Democrats," as Hogg referred to the Populists, opposed primarily because they demanded more radical reforms. Therefore, in 1892 Hogg's position

was between the conservative forces represented by Clark and the liberal forces represented by Nugent.

Hogg initiated the 1892 campaign as he had in 1890 with a detailed statement of his program as stated in the Wills Point speech. However, as a result of the interest generated in the campaign and at the urging of his followers, he entered into public debate on two occasions with Clark. When Clark bolted the convention and the split in the party was a fact rather than a threat, Hogg was compelled to deviate from his Wills Point speech common places and to take a new line of strategy as evidenced in the Dallas speech.

The central theme of the 1892 campaign, "Shall the people or the corporations rule?," remained the same as in the previous campaign. The most important issue was the life of the Railroad Commission. Land reform, monetary reform of stocks and bonds issued by corporations and municipalities, and the creation of a system of state banks were other issues in Hogg's reform program.

Hogg continued to rely on the use of argumentation for acceptance of his ideas by the voters of Texas. Specific instances and causal reasoning were his most frequently used forms of support. Constant opposition by the press indirectly aided Hogg by keeping his name and ideas before the people, as he took his campaign directly to the voters and relied on his oratory for re-election in an unusual political campaign for Texas.

CHAPTER VII

SUMMARY AND CONCLUSIONS

This chapter is a summary of James Hogg's gubernatorial campaign speaking and an assessment of his effectiveness.

Summary

The storm in which James Stephen Hogg was born in 1851 was a forecast of his political life. The son of a civic minded, pioneer east Texas family, he inherited from his father a sense of the responsibility of the strong toward the weak and an abiding devotion to the law. Because his father was a prominent lawyer and legislator and their home was the meeting place for the pioneer leaders of Texas, Hogg heard the best of their oratory and was exposed to the philosophies of such men as Sam Houston and John Reagan. Formal education was in its infancy in Texas, but Hogg received the best that was available until interrupted by the Civil War and Reconstruction. Orphaned at the age of 12 and forced to support himself, he continued to study. While working as a farm laborer, share cropper, and printer, he prepared himself for a career in law.

While Hogg matured so did his young native state. Blessed with rich farm and pastoral land, Texas attracted increased immigration. Industry developed; and the railroads, taking advantage of

the generous land grant policies of the state, connected the isolated frontier with the more populace coastal regions. However, economic depression, drought, low prices for raw materials, high prices for finished products, poor credit, land monopolies, and abuses by the railroads created an atmosphere of unrest. Increasingly dissatisfied with the conservative post-Reconstruction government, the people demanded reform.

Hogg became the spokesman and leader for reform. As the editor of a small hometown newspaper he began his fight for reform, a cause which climaxed in his campaigns for governor in 1890 and 1892.

Hogg was a big man, an impressive figure on the speaker's platform, who attracted attention even before he began to speak. His speech preparation began with thorough research. His practice was to carefully prepare an initial campaign address and use it as a source of common places for later speeches. The Rusk, Wills Point, and Dallas speeches were used in this manner. The issues or main arguments were a form of topoi which he then used in his stump speeches throughout the state. He invited questions from his audiences and spoke the language of the people. Taking advantage of the commonly held idea that he was a rustic from the Piney Woods, Hogg identified with his listeners, many of whom were farmers, by the means of his colorful language and behavior. An indefatigable campaigner, he was able to project his voice to the limits of the large outdoor political rallies.

A campaign rally in 1890 and 1892 was an educational and social event as well as a political one. A speech by a gubernatorial

candidate was a circus-type occasion with parades, bands, banners, cannon and anvil firings, picnics, and speeches. A gregarious man who loved to speak, Hogg enjoyed these occasions. He related to the people not as a pompous politician from Austin appealing for their votes, but as a friend who understood and sympathized with their problems. He took off his coat, drank from a pitcher or gourd and in their language talked of practical solutions.

In his first gubernatorial campaign in 1890, Hogg spoke out for reform and the overthrow of the more conservative Democrats who had redeemed the state from Reconstruction rule. His advocacy of railroad, land, and monetary reforms grew out of his belief that the law should be enforced and that the people rather than corporations should control the state. Although the legislature had wrestled unsuccessfully for fourteen years with the problems of railroad regulation, a constitutional amendment which would empower the legislature to create a commission to control the railroad industry was finally submitted to the voters in 1890. The press, the large corporations including the railroads, and the conservative leaders of the Democratic party not only opposed Hogg's candidacy but the passage of the amendment. Therefore, Hogg was forced to campaign throughout the state in order to get his message to the voters.

In contrast to the bloody shirt oratory of his opponents, Hogg used his ethical appeal and logical arguments to advocate and defend his reforms. His Rusk speech, the initial speech in 1890, was a logical statement of the abuses of corporate power.

He advocated the passage of the constitutional amendment, the creation of a plenary commission, and the passage of a corporate land law to wrest power from these corporations and return it to the people.

With Hogg's overwhelming election and the mandate on the amendment, the Texas Railroad Commission was created in 1891. However, the railroads increased their opposition and Hogg's agrarian support was eroded by the creation of the Populist party.

The campaign of 1892 was one of the stormiest battles in Texas political history. George Clark, anti-commission candidate, was supported by the railroads and the large Texas daily newspapers. Again Hogg was forced to use his oratory as his only means of reaching the voters. In his opening address at Wills Point he logically defended the state's right to control the corporations, the Commission, and proposed monetary and land reforms. As was done in 1890, copies of this address were distributed as the basic statement of his platform and Hogg used sections of it as common places for his extensive stump speeches.

The Hogg-Clark debates at Cameron and Cleburne attracted thousands of passionate supporters of the two candidates. Emotion ran so high that the second debate was a complete failure since neither speaker could be heard over the shouts of the audience. At Cameron Governor Hogg previewed his future strategy when he used Clark's own statements to indict him.

The 1892 campaign was unique because of the split in the Democratic party occasioned by the bolt by Clark and his supporters;

therefore, it was necessary for Hogg, the Democratic nominee, to continue his campaign to election day. Clark's continued candidacy, the growth of the Populist movement, and the injunction halting the work of the Commission necessitated a change in Hogg's strategy. He re-opened his campaign in Dallas with an appeal for unity within the Democratic party. Although party leaders feared the Populists, Hogg spoke of the agrarians as misinformed Democrats, thus leaving the door open for their return to the party. Using the Judge's own statements, Hogg attacked Clark by labeling him a Republican because of his alignment with Cuney and by condemning Clark's actions in splitting the Democratic party. The Governor also defended the Commission and called the injunction against it temporary.

In overview, Hogg championed the cause of reform. In both his gubernatorial campaigns his central theme was the regulation of corporations by the state in order to return control to the people. Since the avenue of the press was blocked, it was necessary for him to rely upon his oratory in order to become an effective advocate for reform.

Effectiveness

To determine the effectiveness of Hogg's gubernatorial campaign oratory, three criteria will be considered: (1) did the speeches "create a readiness in the listeners to act in a certain way when the right stimulus came along,"? (2) does history substantiate

the benefits Hogg claimed would accrue from his reforms? and (3) did Hogg's speeches "anticipate future trends"?¹

Did Hogg's speeches create a readiness in the listeners to vote for him when election day arrived? The effect desired by any campaigner is measured by the actions of the voters at the ballot box. However, an assessment of the effectiveness of Hogg's oratory must go beyond the fact that he was elected in both 1890 and 1892 and ask to what extent was his speaking a factor in these elections. In 1890 Hogg was confronted with opposition, but each opposing candidate withdrew by the time of the balloting at the state convention, thus Hogg was nominated by acclamation. The withdrawal by his opposition was the result of the vigorous speaking campaign waged by Hogg and the impact his speaking had upon the voters. None of the other candidates campaigned as extensively or discussed with the people the issues as Hogg did, and his speaking appears to have been a major factor in his nomination. He subsequently defeated the Republican candidate, Webster Flanagan, 262,432 to 77,742, the widest margin in Texas history up to that time.²

The influence of his oratory becomes more significant in view of the strong opposition to him by the Texas press and the large corporations. Hogg was forced to take his case directly to

¹Thonssen, Baird, and Braden, 542.

²Texas Senate Journal, 1891, 42-43.

the people by means of public speeches. His success in the campaign clearly reflected his effectiveness in campaign speaking.

In 1892 Hogg's opposition was much stronger. The combination of able politicians such as Clark and Nugent, the daily attacks of the seven major newspapers and the power of vast corporate capital placed a critical burden on his campaign oratory, as did the split in the Democratic party and the growth of the Populist party. The final results of the election were as follows:³

Hogg	190,486
Clark	133,395
Nugent	108,483
Houston, A. J.	1,322
Prendergast	1,605
Scattering	176

To what extent was Hogg's election due to his speaking? In describing the Wills Point audience the Dallas News listed thirteen counties represented. Of these counties Hogg carried 9, Clark carried 2, and Nugent carried 1. The two counties which Clark won were Dallas, with a plurality of 700 votes, and Travis, by 1600 votes. The one county which Nugent carried was the Populist stronghold of Navarro. Hogg lost it by only 90 votes which may be an indication of his bringing the "misinformed" [i.e. the Populists] back into the fold. Even when it is remembered that the Wills Point was made in his home territory, Hogg's speaking in those thirteen counties appears to be a reason for the high degree of success in the area.

³Texas Senate Journal, 1893, 98.

The Cameron debate took place in a more neutral area. The News stated that voters from a 50 mile radius of Cameron were present, a total of sixteen counties. Of these counties Hogg carried 11, Clark carried 4 and Nugent carried one. It may be concluded that Hogg's speaking at the Cameron debate was a significant factor in his winning these counties.

The Dallas audience represented a hostile area to Hogg. Voters from Tarrant and Dallas counties were present. The breakdown of the vote between Hogg and Clark in those counties indicates that Clark won them by less than 300 votes.

	Dallas	Tarrant	Total
Hogg	4,684	3,209	7,893
Clark	5,370	2,800	8,170

Hogg's strategy throughout the campaign was to concentrate on the agricultural vote. He seemed to reason that whatever votes he received in the metropolitan areas were extra; however, even the city vote was relatively close.

	Hogg	Clark
Harris County (Houston)	3,642	2,878
Galveston County	2,763	3,357
Bexar County (San Antonio)	2,421	4,653
Dallas County	4,684	5,370
Tarrant County (Fort Worth)	<u>3,209</u>	<u>2,800</u>
Totals	16,719	19,058

The difference of only 2,239 votes further suggests that Hogg's speaking was a significant factor in his election since he spoke in

each one of these cities. All of the city newspapers opposed him prior to his nomination; the Houston Post and the Austin Statesman no longer opposed him when he was recognized as the Democratic nominee. Furthermore, the power of the railroads and the corporations in the cities constituted a formidable barrier. The loss of the metropolitan vote by less than 6% of the total demonstrates Hogg's effectiveness in the cities.

In conclusion, an analysis of the vote in the Wills Point, Cameron and Dallas areas suggests that Hogg's speaking there was a factor in his election.

Concerning the statewide campaign the following factors are significant:

(1) Hogg was compelled to campaign extensively before and after his nomination. According to his count he delivered 104 speeches covering a vast amount of territory.

(2) Hogg's speeches received widespread coverage from the press. The Dallas Morning News, the state's leading newspaper, assigned a reporter to cover the Governor's entire campaign in spite of the fact that the paper was opposed to him. Although its editorials were critical, the reports printed in the News appear to be fair and actually aided Hogg by keeping his name before the public.

(3) In spite of the rural nature and scattered population of Texas in the 1890's, Hogg's speaking engagements drew large crowds. Many of the listeners were in opposition to what he advocated; but as was the custom at that time, a political rally was a great social event.

(4) Hogg spoke in at least 61 counties. The results indicate that he carried 43 of these, Clark carried 11 and Nugent carried 7. The percentage breakdown of the total popular vote shows that Hogg received 44%, Clark 30%, and Nugent 25%. The percentage breakdown of the popular vote in the 61 counties in which Hogg spoke shows that he received 45.6%, Clark 31%, and Nugent 29.9%. The 1.6% difference between the counties where he spoke and his percentage of the total vote does not appear to be significant. However, Hogg's percentage of vote in the counties where he did not speak was 41.2% compared to 45.6% where he did. This is a decrease of 4.4% in the counties where he did not speak. Any conclusions drawn from this data must be qualified. It may have been that he chose to speak in more friendly areas and was reluctant to speak in enemy areas. However, he did make a valiant effort to garner the Populist vote; and he spoke four times in Dallas, a city he listed as a Clark stronghold. The 4.4% difference may be attributed in part to his speaking.

Important in this regard is the fact that Texas was solidly entrenched as a Democratic state, and Hogg was the party's standard bearer while Clark and Nugent represented splinter groups. Cuney had promised Clark 90,000 votes from the Republican party but was dismayed that he was unable to deliver all of the black Republican vote.⁴ The number of counties won by each candidate was Hogg 130, Clark 55, and Nugent 39. While Hogg received 44% of the total popular vote, he won 58% of the counties. This further demonstrates his popularity

⁴Maude Cuney Hare, Norris Wright Cuney (New York: The Crisis Publishing Company, 1913), 163.

in the rural areas. In the two counties where Hogg and Clark met in debate, Hogg won both with a total vote of 4,962 to 4,030 for Clark.

The 1892 campaign was the first major push by the Populists to gain control of the governor's office. In 1890 Hogg had the support of most of the agrarians, but the 108,483 votes for Nugent seriously eroded this support. It is difficult to say just what effect Hogg's speaking had on maintaining allegiance to the Democratic party, yet his strategy was to keep all avenues open for them to return to the party.

Of the 224 counties reporting in 1892, the Populists carried 39. Most of these counties were in the frontier, newly developed agricultural areas. The number of votes consequently was small. Hogg spoke in seven populist counties, and the total vote in those counties was 10,127 for Nugent and 8,647 for Hogg, a difference of only 1,480 votes. From this it may be assumed that when Hogg spoke in Populist counties, although he did not carry them, he was able to pick up a substantial number of votes.

Hogg unexpectedly lost 13 east Texas counties to Nugent; because of his assumed popularity in that region, he did not anticipate losing any of those counties; and he did not campaign personally in any of them. The areas lost were considered part of the black belt.

The majority of Texas voters in 1892 were from rural areas. Hogg won the rural vote and made serious inroads into the urban vote. The reasons for his success in the rural areas were (1) his ethical

appeal and identification as one of the people through his language and his behavior and (2) his logical argumentation supported by specific instances and causal reasoning which reinforced their preset notions. The oppressed farmers demanded reform, and the majority of them recognized Hogg as the leader and the spokesman for that reform.

Although Hogg was unable to win a majority of the urban vote, the margin of difference was considerably smaller than his opposition had predicted. The reasons for this were (1) the effectiveness of his attacks of Clark's coalition with the Republican party and (2) the effectiveness of his defense of the Railroad Commission. In view of the strong opposition by two formidable opponents and the ubiquitous press, Hogg was compelled to rely on his oratory for his nomination and subsequent election.

Does history substantiate the conclusions that the benefits Hogg claimed in his campaign oratory would accrue from his reforms? At Dallas Hogg correctly called the injunction against the Commission temporary. The United States Supreme Court ruled in favor of the Commission in Reagan vs. Farmers Loan and Trust Company, May 26, 1894, thus declaring the railroad commission law constitutional.

Hogg consistently maintained in his campaign speeches that the Commission would be beneficial to the shipper, the manufacturer, the consumer, and the railroads. The Railroad Commission Report of December, 1892, affirmed his predictions.

The reduction of charges of freight rates, mainly by the Commission, but partly at the request of the railroads, was intended to stimulate production within the State, to increase manufactories, to induce larger investments of capital, give

more employment and wages to labor, to increase the traffic by railroads, and their revenue; and such we believe were the results. The reduction of the freight rates on grain, cotton, lumber, live stock, salt, cotton seed, coal, lime, cement, etc., gave activity to their movement. It caused the construction of flouring mills and elevators, and the manufacture of flour to an increased extent in this State, and saved the expense, to that extent, of the transportation of our wheat to Missouri and Kansas to be made into flour and shipped back to us, and saved to our people the bran and shorts resulting from such shipments. It by these means caused an increase in the price of wheat, to the profit of the farmers, and a reduction in the cost of flour, to the profit of consumers. It caused the construction of cotton seed oil mills, and increased the value and use of cotton seed and its products. It caused a large increase in the manufacture of salt, and enabled the makers to market their salt in all parts of the State, whereas, under the rates theretofore established by the railroad companies, our salt makers could only supply a very limited part of the territory of the State, because salt was shipped from Kansas and Michigan to a large part of the State at lower rates than from the salt manufactories of Texas to the same points. It enabled the farmers of Texas to market their surplus of corn in the State, while before the Commission rates were adopted the railroads brought corn from Kansas and Missouri to a great part of the State of Texas at less cost than from one point to another in Texas. It stimulated the manufacture of the products of iron, of pottery, of lime, cement, and other things, much to the benefit of the people of Texas. And on the cost of the shipment of the single article of cotton it saved the people of the State more than one million dollars in one season, and it still left the rates on cotton, as reduced by the Commission, from fifty to seventy-five percent higher than in any other state.⁵

The Railroad Commission, therefore, gave profit to capital, employment to labor, and activity to trade and traffic. The railroads also profited by regulation; for as Hogg admitted, the purpose of a railroad corporation was to make money, giving honest service.

Furthermore, by the last part of 1894 several railroad leaders urged Hogg to tour the North to counter some of the negative

⁵Texas Railroad Commission Report, (December, 1892), xxiv-xxv.

publicity that had been circulated across the nation regarding his reform laws, especially the railroad commission law. The crucial point to consider is that this tour was at the request of the same people who had opposed Hogg in 1892. Hogg had predicted that if the Commission were allowed to function the railroads would see the benefits of it. This tour suggests that railroad executives were becoming aware of these benefits.

An examination of the economic growth of the railroads from the inception of the Commission until the turn of the century confirms the value of the Commission to the railroads. Total freight earnings of all railroads in the state increased from \$25.7 million in 1891⁶ to \$34.6 million in 1900,⁷ a growth of almost 35%; and the average number of railroad miles operated increased from 8,718 in 1891 to 9,792 in 1900.⁸ Since the national economy was in a general depression in the early 1890's which culminated in the panic of 1897, these figures become even more impressive. It may be concluded that the railroads did, in fact, benefit from the Commission's regulations as Hogg predicted.

Historians agree with Potts that the Commission benefitted both the people and the railroads.

There can be but little doubt that the most important results achieved by the State through the work of the Railroad

⁶Ibid., 322

⁷Texas Railroad Commission Report, (December, 1900), 184.

⁸Texas Almanac, (1969), 560. (Material also found in Texas Railroad Commission Reports, 1892 through 1900.

Commission have been the almost complete abolition of discriminations between persons and places, and of the fluctuations in rates due to competition and rate wars. Steady and uniform rates are far more essential to the business community than low rates, and these two qualities have been secured in large measure as a result of the Commission's work.⁹

In the long range the Railroad Commission was the most efficient and most successful of Hogg's reforms.

History does not support Hogg's contentions as to the benefits of his monetary and land reforms. Throughout the 1892 campaign he argued for these reforms, but as the laws were eventually written, they were easily circumvented, therefore ineffective.¹⁰

Another measure of the effectiveness of Hogg's oratory is his ability to anticipate future trends. Hogg's reform legislation, including the railroad commission law, constituted a definite grass roots program later to surface as the Progressive Movement. Colonel E. M. House, Hogg's confidant and 1892 campaign manager, maintained that Hogg "was the first practical progressive in this country. . . . He blazed the way for Bryan and Roosevelt. You can easily maintain that all the reform laws, the federal reform laws were based upon the Hogg laws in Texas. . . . The others were mere followers in his footsteps."¹¹ It is questionable that Hogg deserves so much credit, but there are scholars who support House's thesis. Arthur Link stated, "Texas was a pioneer in successful progressive legislation.

⁹Potts, 172.

¹⁰Billy Mac Jones, The Search for Maturity (Austin: Steck-Vaughn Company, 1965), 168.

¹¹Bailey Papers, 54.

Many significant reforms were enacted during Governor James Stephen Hogg's administration, but a succession of progressive governors. . . carried on Hogg's liberal tradition."¹² Charles A Culberson, who succeeded Hogg as governor and was later U.S. Senator, contended in 1912 that Hogg was one of, if not the first, grass roots progressive. Culberson maintained that Hogg was favoring a government "more efficient and truly representative of the whole people, and to regulate and hold in check corporations which were levying unrestrained tribute upon the people." He continued, saying,

It is a common claim of leading insurgent Republicans that the Progressive Movement in government in the United States of recent years had its origin in certain Republican states, notably Wisconsin. Some distinguished Democrats. . . either mistakenly or in mere political finesse, have given voice to the same unfounded idea. Instead of this being the case, the truth is this Progressive Movement began in the Democratic state of Texas under the leadership of James S. Hogg ten years before La Follette was Governor of Wisconsin and while Roosevelt, I believe, was Police Commissioner of the city of New York. This movement took form in Texas.¹³

Although these men advocated that Hogg was the first progressive, Hogg was not an innovator; his success lay in his ability to implement ideas. Of the progressive laws passed during his administration, the only one original to him was the stock and bond law. He had the ability to take other people's ideas, make them his, and through his speaking and personality carry them to success. Advocates of railroad regulation tried for fourteen year to establish some form

¹²Link, 169.

¹³Dallas Morning News, October 19, 1912.

of control and failed. Hogg took up the cause and before he left office effective regulation was a fact.

Much of Hogg's success was the result of his campaign speeches among the people. His own contemporaries and modern historians agree with Fehrenbach that

Hogg campaigned with awareness that there were more common people in Texas than any other kind, and he suited his merchandise to the market. He was a great commoner. He knew the dirt farmer's soul, and which allusions grabbed his mind. Hogg was earthy in his speech, inventive in his epithets--though 'by gatlings' was the worst he essayed when ladies were around. Hogg was a flaming reformer on the hustings, standing against everything the embattled farmer hated, inventing some things the farmer had not yet imagined. But Hogg was no fool, nor was he really radical. He was flamboyant, but deeply folk-conservative man; he knew how to survive in party politics, whom to fight, and with whom to make a deal. He was a hoeman champion, but no farmer himself; he ended up quite rich. Hogg had a keen mind, and he proved it more than once in court against some able outside legal talent. Above all else, however, in the public eye he was a stump man.

On the stump, he could hold a crowd of Texas farmers for hours, blasting railroads, bloated capitalists, insurance companies, gold; he extolled the simple life and the virtues of the men who tilled the soil. He threw off his coat and worked up sweats; he dropped his suspenders and splashed water over his brow, got a second wind, and went on to new heights amid cheers.¹⁴

This type of speaking earned for Hogg the approbation of "the people's governor" thus making him an effective advocate for reform.

¹⁴Fehrenbach, 620-621.

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July 11, 1974.

VITA

Carroll Elvin Hickey was born in Hedley, Texas, June 2, 1933. He received his elementary education in Texas and his secondary education in New Mexico. He earned a Bachelor of Arts degree from Texas Western College (currently the University of Texas at El Paso) in August of 1957, after having served in the United States Army (1953-1955) with one year of service in Korea. After teaching two years at Hereford High School, Hereford, Texas, he received his Master of Arts degree from West Texas State University in 1960. He served four years as chairman of the Speech Department at Lubbock Christian College, Lubbock, Texas. From 1962-1969 he was director of forensics at Midwestern State University, Wichita Falls, Texas with the last two years appointed administrative assistant to the President of that institution. He entered the Graduate School at Louisiana State University, Baton Rouge, Louisiana, September, 1969 to pursue work toward the Doctor of Philosophy degree. In 1971 he became director of forensics at the University of Texas at Arlington, Arlington, Texas.

EXAMINATION AND THESIS REPORT

Candidate: CARROLL ELVIN HICKEY

Major Field: SPEECH

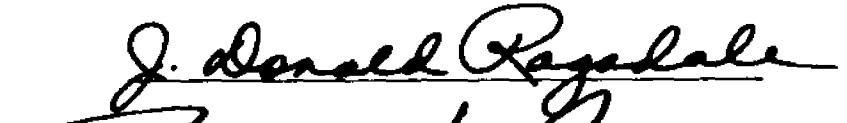

Title of Thesis: A RHETORICAL ANALYSIS OF REPRESENTATIVE GUBERNATORIAL CAMPAIGN
SPEECHES BY JAMES STEPHEN HOGG (1890-1892)

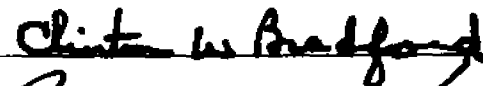
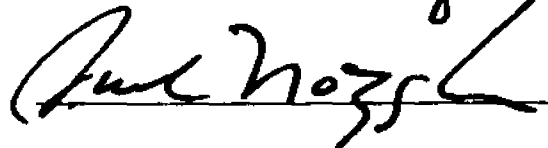
Approved:


Major Professor and Chairman


Dean of the Graduate School

EXAMINING COMMITTEE:

Date of Examination:

June 30, 1977